New Kailash Suppliers vs State of Gujarat & Ors.

Appeal – Limitation for filing appeal under Sections 107 and 161 of the CGST/GGST Act, 2017 – effect of rectification application on computation of limitation.

Date of Order: January 29, 2026
Case Law No: GIB-GUJHC-2026-06
Source: GST INDIA Biz (www.gstindia.biz)

CASE DESCRIPTION / SUMMARY

Facts:
The petitioner challenged the order dated 25.04.2025 passed by the appellate authority rejecting the appeal filed under Section 107 of the GST Act on the ground of delay. Against the original order dated 12.08.2024, the petitioner had filed a rectification application under Section 161 on 05.11.2024 which was rejected on 19.03.2025. The petitioner thereafter filed an appeal on 25.03.2025.

Court Decision:
The Court held that the rectification application filed under Section 161 and its disposal is a relevant factor for computing the limitation period for filing an appeal under Section 107. The limitation would start from the date of rejection of the rectification application.

Since the rectification application was rejected on 19.03.2025 and the appeal was filed on 25.03.2025, the appeal was within time. The appellate authority failed to consider this aspect and erroneously rejected the appeal as time-barred. The Court therefore quashed the appellate order dated 25.04.2025 and remanded the matter to the appellate authority to decide the appeal afresh after granting opportunity of hearing.

Cases Referred by Court:

· SPK and Co. v. State Tax Officer, W.P.(MD) No.27787 of 2024, Madras High Court, Order dated 22.11.2024

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