SFC Global Commodity Private Limited vs Union of India & Ors.

Whether the Appellate Authority can reject an appeal merely on the ground of non-appearance of the appellant without dealing with the written grounds raised in the appeal memo.

Date of Order: March 13, 2026
Case Law No: GIB-GUJHC-2026-33
Source: GST INDIA Biz (www.gstindia.biz)

CASE DESCRIPTION / SUMMARY

Background

The petitioner-assessee challenged an order dated 24.09.2025 passed by the Deputy Commissioner of Sales Tax (Respondent No. 4) before the Appellate Authority. In the appeal, the petitioner had filed detailed written submissions raising specific grounds including violation of principles of natural justice, timely filing of replies to both RFT-08 notices, request for personal hearing not granted by the adjudicating authority, breach of Section 75(4) of the CGST Act, 2017, and that belated generation of RFT-01 was due to administrative lapse and system auto-generation which should not have prejudiced the petitioner. The Appellate Authority rejected the appeal solely on the ground that the petitioner did not personally appear before it despite being given an opportunity of hearing, without addressing any of the grounds raised in the appeal memo.

Facts Relevant to Understanding the Judgment

The petitioner had timely filed replies to both RFT-08 notices and had specifically requested personal hearing before the adjudicating authority, which was not granted. The adjudicating order was challenged before the Appellate Authority with specific written grounds. The Appellate Authority, instead of dealing with the merits of those grounds, dismissed the appeal only because the petitioner did not remain personally present on the date of hearing, despite the fact that detailed written submissions were already on record. The vires of Rule 96(5A) of the CGST Rules, 2017 were not challenged by the petitioner at this stage.

Court Observations (Verbatim)

"We have noticed that the petitioner-assessee as well as the respondent have committed irregularity before the Appellate Authority." (Para 3)

"All these contentions raised by the petitioners have been ignored by the Appellate Authority by merely observing that since the petitioner / appellant was though afforded an opportunity of hearing to remain personally present, he did not remain present and hence the appeal was liable to be rejected and accordingly the appeal was disallowed." (Para 3.1)

"We find that the Appellate Authority while rejecting the appeal has committed an illegality by not dealing with the submissions raised by the petitioner in his appeal memo for the reason that the petitioner did not remain present though he was granted the opportunity of hearing. It is always open for the Appellate Authority to pass a reasoned order by dealing with the grounds raised in the appeal memo even if the party does not remain present." (Para 3.2)

Final Verdict

The Appellate Order dated 24.09.2025 was quashed and set aside. The matter was remanded back to the Appellate Authority to decide afresh by giving opportunity of hearing to the petitioner. It was further clarified that even if the petitioner does not remain present on personal hearing, the Appellate Authority shall consider the grounds of appeal raised in the appeal memo and decide in accordance with law within 12 weeks.

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