Nominee Works Committee, Kalavalla vs Deputy Assistant Commissioner.

Validity of a GST assessment order in Form DRC-07 passed without the signature of the assessing officer, and condonation of delay where the order was served only by portal upload.

Date of Order: June 15, 2026
Case Law No: GIB-APHC-2026-57
Source: GST INDIA Biz (www.gstindia.biz)

CASE DESCRIPTION / SUMMARY

Background

The petitioner is a works contractor who executed works contracts for a State Government entity (Respondent No. 4). An assessment order in Form GST DRC-07 dated 25.07.2023 was passed for FY 2022-23 levying GST at 18%, followed by recovery proceedings in Form GST DRC-16 dated 17.02.2026. The petitioner's underlying grievance was that the works attracted 12% under Notification No. 24/2017-CT(Rate) dated 21.09.2017, with 18% applying only from 18.07.2022 after Notification No. 3/2022-CT(Rate) dated 13.07.2022 omitted Sl. No. 3(vi) of the Table, and that interest and penalty were imposed at 18% without adjusting the 2% TDS. The writ, however, was decided on the narrow signature ground.

Facts

The petitioner challenged the DRC-07 order on the sole ground that it did not bear the signature of the assessing officer. The Revenue raised a preliminary objection of inordinate, unexplained delay. The petitioner submitted that the order was never served conventionally and that the Revenue relied only on uploading it to the portal. The Revenue contended that portal upload constitutes valid service under Section 169(1)(d) of the GST Act, 2017. The Court noted a large number of registered persons had similarly pleaded inability to access the portal due to ignorance or non-communication by their authorised persons.

Court Observations (verbatim)

Para 11: "*Keeping in view the hardships that are being faced by various registered persons, especially in cases where the order suffer from patent irregularities, the impugned order of assessment would have to be set aside.*"

Para 12: "*In the circumstances, with a view to balance both the difficulties being faced by the*

registered persons and the need for the State to maintain its administration of tax collection, it would be appropriate that writ petitions, filed by such registered persons, with delay, can be considered, subject to the registered persons paying 20% of the disputed tax. We are also fortified, in this course of action, in view of the Judgment of the Hon'ble High Court of Madras in W.P.No.1474 of 2026."

Para 13: "*In these circumstances, keeping in view the fact that the present order, under challenge, suffer from an inherent defect of absence of a signature, the same is set aside and the assessment is remanded back to the Assessing Officer to pass appropriate orders, after giving due opportunity of hearing... This order is subject to the condition of the petitioner depositing 20% of the disputed tax, within a period of six (06) weeks. Such deposit shall abide by the decision in the order of assessment. However, payments made after the date of order till today shall be taken into account as part payment of 20% directed to be paid.*"

Final Verdict

The unsigned DRC-07 order and consequential DRC-16 are set aside and the matter remanded to the assessing officer for fresh assessment after hearing, subject to deposit of 20% of the disputed tax within six weeks. The writ period is excluded for limitation and all issues are left open.

Cases Referred by the Court

1. A.V. Bhanoji Row vs Assistant Commissioner (ST) — W.P. No. 2830 of 2023, dt. 14.02.2023 (AP HC)
2. SRK Enterprises vs Assistant Commissioner — W.P. No. 29397 of 2023, dt. 10.11.2023 (AP HC)
3. SRS Traders vs Assistant Commissioner ST & Ors — W.P. No. 5238 of 2024, dt. 19.03.2024 (AP HC)
4. Bambino Agro Industries Ltd. vs State of Uttar Pradesh & Anr — Writ Tax No. 2707 of 2025 (Allahabad HC)
5. W.P. No. 5397 of 2026 (AP HC — contrary view, holding portal upload sufficient service)
6. W.P. No. 1474 of 2026 (Madras HC — on the 20% deposit condition)

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