

Court No. - 35

Case :- WRIT TAX No. - 170 of 2018

Petitioner :- M/S Ktl (P) Ltd. Through Its Managing Director M.K. Agarwal

Respondent :- Union Of India Through Secy. And 4 Others

Counsel for Petitioner :- Rahul Trivedi, Ashok Trivedi

Counsel for Respondent :- C.S.C., A.S.G.I., Piyush Agrawal

Hon'ble Bharati Sapru, J.

Hon'ble Neeraj Tiwari, J.

Heard Sri Ashok Trivedi, learned counsel the petitioner and Sri Piyush Agrawal, learned Counsel for the respondent no.4, Sri B.K.S. Raghuvanshi, learned counsel for the respondents no.1, 2, & 3.

The petitioner seeks a writ of mandamus directing the GST council respondent no.2 to make recommendations to the State Government to extend the time period for filing of GST Tran-1 in the case of the petitioner because his application was not entertained on the last date i.e. 27.12.2017 and he has filed his complete application for the necessary transactional credit.

The petitioner has alleged in the petition that despite making several efforts on the last date for filing of the application, the electronic system of the respondent no.2 did not respond, as a result of which the petitioner is likely to suffer loss of the credit that it is entitled to by passage of time.

The respondents have been served with a notice of this writ petition two days ago and they have instructions to state that some new committee is likely to be formed, which will take care of the individual cases probably within next two weeks but are unable to give any exact date.

In view of the above, the respondents are directed to reopen the portal within two weeks from today. In the event they do not do so, they will entertain the application of the petitioner manually and pass orders

on it after due verification of the credits as claimed by the petitioner. They will also ensure that the petitioner is allowed to pay its taxes on the regular electronic system also which is being maintained for use of the credit likely to be considered for the petitioner.

With the aforesaid directions, the the writ petition shall stand disposed of finally.

Order Date :- 13.2.2018
S.P.