



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12742 of 2026

CNR No. ODHCO10299812026

M/s. Maa Jay Durga Construction

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Petitioner (s)

Mr. R.P. Kar, Sr. Adv.

Along with Mr. Asit Kumar Dash, Adv.

Mr. Abhishek Dash, Adv.

-Versus-

Chief Commissioner of CT & GST,

Odisha & Ors.

.. .. .

Opposite Party (s)

Mr. Sunil Mishra, Standing Counsel

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

30.09.2026

Order No.

01.

1. Assailing the rejection order dated 26.02.2026 passed by the Joint Commissioner of State Tax (Appeal), Puri Range, Puri (hereinafter, "the Appellate Authority", for short), the Petitioner has approached this Court by way of filing this writ petition invoking extraordinary jurisdiction under Article 226/227 of the Constitution of India with a prayer to set aside the said rejection order so as to enable him to furnish explanation with regard to show cause notice dated 03.02.2026.



2. Mr. Rudra Prasad Kar, learned Senior Advocate appearing for the Petitioner submitted that the petitioner, registered person, suffered a demand of Rs. 19,09,404/- on account of an assessment framed under Section 73 of the Odisha Goods and Services Tax Act, 2017 for the period 2020-21 vide order dated 20.12.2024 against which an appeal was preferred on 09.04.2025 under Section 107 before the Appellate Authority aforementioned.

2.1. Learned Senior Advocate for the petitioner further submitted that though the appeal should have been filed within three months, i.e. on or before 20.03.2025, the same could be filed on 09.04.2025 due to circumstances beyond control. The Appellate Authority should have considered such delay liberally invoking discretion in terms of subsection (4) of Section 107 as the appeal has been filed within condonable period. It is explained that though notice was issued by the Appellate Authority inviting reply, the same could not be complied with as the Petitioner was under medical treatment during relevant period of time.

2.2. He submitted that given a chance, the Petitioner would be able to furnish reply with respect to delay in filing the appeal before the Appellate Authority.

3. Mr. Sunil Mishra, learned Standing Counsel appearing for the CT & GST Department-Opposite Parties vehemently objected to such plea.



4. Considered the rival contentions made by the learned counsel for the respective parties. On perusal of the impugned order dated 26.02.2026, it is revealed that since notice in letter, dated 03.02.2026 could not be responded by the Petitioner, the appeal got rejected. There is no evidence put forth by the learned Standing Counsel appearing for the Opposite Parties to establish that the contentions of the learned counsel for the Petitioner are not genuine and germane.

4.1. In such view of the matter, this Court is of the considered view that the Petitioner is required to be given one opportunity to justify that the delay occurred due to circumstance beyond his control. There appears sufficient cause for the petitioner to file appeal beyond the period stipulated under sub-section (1) of Section 107 of the GST Act. Therefore, this Court is inclined to set aside the rejection order dated 26.02.2026 passed by the Joint Commissioner of State Tax (Appeal), Puri Range, Puri and direct the Petitioner to appear before the Appellate Authority and file response to the notice in Letter dated 03.02.2026. In the event the Petitioner approaches the Appellate Authority with such explanation, the authority concerned shall consider the same by affording opportunity of hearing to the Petitioner/representative of the Petitioner.

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5. With the aforesaid observation and direction, the writ petition stands disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

(Murahari Sri Raman)
Judge

Murmu

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