GSTAT

State Bench Hyderabad

Court No. Court II

APL/271/HYD/2026

TIMMASARTI VENKATESWARA RAO **.....Appellant**

Versus

DHAKSHITHA ELECTRICALS, MANAGING PARTNER, H NO 24-317 IDPL IDPL BALANAGAR HYDERABAD KUKATPALLY TGMDM 500037 RANGAREDDYNAGAR SUB POST OFFICE **.....Respondent**

Quorum

Hon'ble A P Ravi, Member(Judicial)
Hon'ble Duvvuri Krishna Srinivas, Member (Technical)

Counsel for Appellant
SHRI PVV SATYANARAYANA MURTHY AND SHRI KHALID

Counsel for Respondent
NONE

Form GST APL-04A

[See rules 113(1) & 115]

Summary of the order and demand after issue of order by the GST Appellate Tribunal

whether remand order : No

Order reference no. : ZN560361126000362H **Date of order :** 20/11/2026

1.	GSTIN/Temporary ID/UIN - 36AASFD9323K1ZV	
2.	Appeal Case Reference no. - APL/271/HYD/2026	Date - 28/05/2026
3.	Name of the appellant - Timmasarti Venkateswara Rao , timmasartivr.g095501@gov.in , 9848018488	

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4.	Name of the respondant - 1. DHAKSHITHA ELECTRICALS , kumarmaddela4321@gmail.com , 9014743982
5.	Order appealed against - AD3603250268813
	(5.1) Order Type - Registration Order
	(5.2) Ref Number - ZD3608250058744 | Date - 05/08/2025
6.	Personal Hearing - 20/11/2026 04/11/2026 05/10/2026
7.	Status of Order under Appeal - Reject - Order under Appeal is annulled
8.	Order in brief - The FAA had no power to entertain the appeal filed by the Respondent on 18.03.2025 against the order of cancellation dated 17.05.2024, the appeal having been presented beyond the aggregate period of four months under Sections 107(1) and 107(4) of the Act; The writ orders of the Hon'ble High Court for the State of Telangana relied upon by the FAA, being orders condoning delay in the exercise of jurisdiction under Article 226, did not confer any such power on the FAA and could not be followed by it; This Tribunal cannot condone the delay which the FAA itself had no power to condone; and The cancellation of registration not having been revoked till date, and the impugned order not having been acted upon, the Department appeal is maintainable and is liable to be allowed. In the result, the appeal filed by the Department is allowed and the order impugned is set aside.
	Summary of Order
9.	If demand order then whether demand quantified: Yes

Section-I

Particulars	Central tax		State/UT tax		Integrated tax		Cess		Total	
	Disputed Amount	Determined Amount	Disputed Amount	Determined Amount	Disputed Amount	Determined Amount	Disputed Amount	Determined Amount	Disputed Amount	Determined Amount
1	2	3	4	5	6	7	8	9	10	11

(a) Tax	0	0	0	0	0	0	0	0	0	0
(b) Interest	0	0	0	0	0	0	0	0	0	0
(c) Penalty	0	0	0	0	0	0	0	0	0	0
(d) Fees	0	0	0	0	0	0	0	0	0	0
(e) Others		0		0		0		0		0
(f) Refund		0		0		0		0		0

10.	For Other orders and Demand orders which are not quantified:	
Issues as raised by proper officer	Issues as determined by Appellate/Revisional authority	Order by GST Appellate Tribunal
Registration	The appeal filed by the Tax payer has allowed.	

SD/-
Signature
HYDERABAD A P Ravi
Designation : Member
Jurisdiction :Hyderabad

Place :HYDERABAD
Date : 20.11.2026

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ORDER

FINAL ORDER No. 35/COURT-II/HYD/2026

Date of Hearing: 04.11.2026

Date of Pronouncement: 20.11.2026

JUDGMENT

Per: A P Ravi, Judicial Member

1.0 The present appeal has been filed by the Department under Section 112(3) read with Section 112(4) of the Central Goods and Services Tax Act, 2017, through the Assistant Commissioner of Central Tax, Kukatpally Division, Medchal CGST Commissionerate (hereinafter referred to as "the Appellant" or "the Department"). The Appellant was authorised to do so by the Principal Commissioner of Central Tax, Medchal CGST Commissionerate, by Review Order No. 76/2025-26-GST (OIA) dated 30.03.2026. The appeal is directed against Order-in-Appeal No. HYD-GST-MD-AP2-45-2025-26 dated 28.05.2025 (hereinafter referred to as "the impugned order") passed by the Joint Commissioner of Central Tax (Appeals-II), Hyderabad (hereinafter referred to as "the FAA"). By the impugned order, the FAA allowed the appeal preferred by M/s. Dhakshitha Electricals (hereinafter referred to as "the Respondent") against the order cancelling its registration, although that appeal had been filed beyond the period of limitation prescribed under Section 107 of the Act.

1.1 In this order, the expressions "Act" and "Rules" shall mean and include the Central Goods and Services Tax Act, 2017 and the Telangana Goods and Services Tax Act, 2017, and the Rules made thereunder, respectively, since the provisions of both the Acts and both the sets of Rules are common and the same shall apply equally and concomitantly.

2.0 Shri S. Bala Narayana and Shri Mohd. Khalid, the Ld. DRs, appeared for the Appellant. None appeared for the Respondent.

3.0 The facts, as they emerge from the record, are as follows.

3.1 The Respondent is registered under the Act with GSTIN 36AASFD9323K1ZV and falls under the Central jurisdiction of Kukatpally Range, Kukatpally Division, Medchal CGST Commissionerate. As recorded in the impugned order, the Respondent obtained registration on 15.09.2022, intending to commence the business of electrical works contract service.

3.2 The Respondent failed to furnish its returns in FORM GSTR-3B for a continuous period of more than six months. A Show Cause Notice dated 06.02.2024 was issued calling upon it to show cause why its registration should not be cancelled on that ground.

3.3 By Order No. ZA360524039774A dated 17.05.2024, the proper officer, namely the Superintendent of Central Tax, Kukatpally Range, cancelled the registration of the Respondent with effect from 05.02.2024, in terms of Section 29(2)(c) of the Act read with Rules 21 and 22(3) of the Rules.

3.4 It is on record, and not disputed, that the Respondent did not file any application for revocation of the cancellation under Section 30 of the Act read with Rule 23 of the Rules, either within the period of ninety days prescribed therein or within the further period which the Commissioner or an authorised officer may allow under the proviso to Rule 23(1).

3.5 Instead, the Respondent preferred Appeal No. 1060/2024(MD)GST before the FAA on 18.03.2025. It pleaded that, owing to the health issues of its managing partner, it could not attend to its business and file its returns; that it had subsequently filed its returns up to February, 2024; and that the delay in filing the appeal was due to lack of proper support from its previous tax consultant and an initial thought of discontinuing the business. It sought condonation of the delay, placing reliance on the decision of the Hon'ble High Court for the State of Telangana in *M/s. Southern Enterprises v. Appellate Joint Commissioner ST*, W.P. No. 2471 of 2023. Shri Sheshaiah, Partner, appeared before the FAA for personal hearing on 23.05.2025.

3.6 The FAA, in paragraphs 5 to 7 of the impugned order, found that the appeal was filed on 18.03.2025 against the order dated 17.05.2024, which was "much beyond four months as

prescribed under Section 107(4) of CGST ACT 2017", and recorded in terms that "Hence the appeal is time barred." The FAA, however, proceeded in paragraph 8 to observe, "In light of the orders issued by the Hon'ble High Court for the State of Telangana at Hyderabad, I take up the matter." Relying on *M/s. Southern Enterprises* (supra) and the decision of the Hon'ble High Court in *M/s. Chenna Krishnama Charyulu Karampudi v. Additional Commissioner (Appeals-I)*, (2023) 5 Centax 49 (Telangana), the FAA held that the request of the Respondent for revocation of cancellation with retrospective effect merited consideration, subject to verification of payment of all dues by the proper officer, and allowed the appeal on those terms.

3.7 The Principal Commissioner of Central Tax, Medchal CGST Commissionerate, examined the impugned order under Section 112(3) of the Act and, by Review Order No. 76/2025-26-GST (OIA) dated 30.03.2026, directed the Assistant Commissioner of Central Tax, Kukatpally Division, to file an appeal before this Tribunal. The present appeal was accordingly filed on 28.05.2026.

3.8 It is the specific submission of the Ld. DRs, which stands uncontroverted on record, that the Respondent has not approached the proper officer in pursuance of the impugned order, and that the cancellation of its registration has not been revoked till date.

4.0 At the threshold, we note that, in the present case, the last date for filing of the appeal by the Department under Section 112(3) of the Act, read with the Central Goods and Services Tax (Ninth Removal of Difficulties) Order, 2019 dated 03.12.2019, was 31.07.2026. The appeal having been filed on 28.05.2026, it is within the time prescribed, and no question of condonation of delay in filing the present appeal arises.

5.0 The Ld. DRs, on behalf of the Appellant, reiterated the grounds of appeal and made the following submissions.

5.1 The registration of the Respondent was cancelled suo motu for non-filing of returns continuously for six months. The Respondent did not file an application for revocation under

Rule 23(1) of the Rules within ninety days, nor did it seek extension of that period from the Commissioner under the proviso thereto.

5.2 Under Section 107(1) of the Act, the appeal before the FAA was required to be filed within three months, and under Section 107(4) the FAA could allow it to be presented within a further period of one month only. The appeal of the Respondent was filed on 18.03.2025, about ten months after the order of cancellation dated 17.05.2024, and was therefore beyond the condonable period.

5.3 The FAA allowed the appeal by relying on the order of the Hon'ble High Court in *M/s. Southern Enterprises* (supra), which was in turn based on *M/s. Chenna Krishnama Charyulu Karampudi* (supra). The Hon'ble High Court did not lay down any law; it only passed an order in the facts and circumstances of that case. While the Hon'ble High Court has the power to waive statutory time limits, the FAA, being a creature of the statute, cannot ignore them.

5.4 Reliance was placed on the decision of the Hon'ble High Court of Delhi in *M/s. Addichem Speciality LLP v. Special Commissioner-I, Department of Trade and Taxes*, paragraphs 69 and 70; the decision of the Hon'ble Supreme Court in *Assistant Commissioner (CT), LTU, Kakinada v. M/s. Glaxo Smith Kline Consumer Health Care Ltd.*; and the decision of the Hon'ble Supreme Court in *M/s. Singh Enterprises v. Commissioner of Central Excise*, paragraph 10.

5.5 The FAA had powers to condone the delay only within the aggregate period allowed by the statute and not beyond it. Condonation granted by a higher court in a particular case, based on the facts of that case, cannot be the basis for decision in other cases.

5.6 The Respondent acted as per its own convenience without regard to the statutory timelines, kept its returns pending, and approached the FAA only when it wished to resume business.

5.7 It was further submitted at the hearing on 04.11.2026 that, though the FAA allowed the revocation, the Respondent has not approached the Department, and the cancellation continues.

5.8 The Appellant prays that the impugned order be set aside.

6.0 By order dated 05.10.2026, this Bench admitted the appeal, directed the Respondent to file its cross-objections, if any, within two weeks, and directed the Registry to put the Respondent on notice to mark its appearance on the next date of hearing.

6.1 The Respondent neither appeared on 05.10.2026 nor on 04.11.2026, and has not filed any memorandum of cross-objections or written submissions. Having been put on notice, the Respondent has chosen not to participate in the proceedings. The requirement of *audi alteram partem* (hear the other side) is satisfied when a party is given the opportunity of being heard; it does not oblige the Bench to await the party indefinitely.

6.2 Accordingly, by order dated 04.11.2026, the Bench decided to proceed to decide the matter on the record. We have, nevertheless, kept in view the case of the Respondent as pleaded before the FAA and recorded in the impugned order.

7.0 Heard the Ld. DRs and perused the grounds of appeal, the documents relied upon and the record.

7.1 Upon consideration of the pleadings and the submissions made, the following questions arise for determination in this appeal:-

(i) Whether the FAA had the power to entertain and allow the appeal filed by the Respondent on 18.03.2025 against the order of cancellation dated 17.05.2024, beyond the period of three months under Section 107(1) and the further period of one month under Section 107(4) of the Act?

(ii) Whether the orders of the Hon'ble High Court for the State of Telangana in *M/s. Southern Enterprises* (supra) and *M/s. Chenna Krishnama Charyulu Karampudi* (supra), passed in writ jurisdiction, conferred any such power on the FAA?

(iii) Whether this Tribunal can, in the present appeal, condone the delay which the FAA itself had no power to condone, and thereby sustain the impugned order?

(iv) Whether the Department appeal is liable to be allowed, having regard to the decision of this Bench in the batch of appeals in APL/2/HYD/2026 and connected matters?

Issue (i) — Power of the FAA under Section 107

8.0 Before we proceed to decide the issue, it is imperative to note the provisions of sub-sections (1) and (4) of Section 107 of the Act, which are reproduced below for ease of reference:-

> *"(1) Any person aggrieved by any decision or order passed under this Act or the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act by an adjudicating authority may appeal to such Appellate Authority as may be prescribed within three months from the date on which the said decision or order is communicated to such person.*
> *(4) The Appellate Authority may, if he is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of three months or six months, as the case may be, allow it to be presented within a further period of one month."*

8.1 On a plain reading of the above provisions, the following position emerges:

(a) the ordinary period for filing an appeal before the FAA is three months from the date of communication of the decision or order;

(b) the FAA may condone the delay only if it is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within that period; and

(c) even upon such satisfaction, the FAA may allow the appeal to be presented only "within a further period of one month".

8.2 The provision is clear and admits of no ambiguity. The power of the FAA to condone delay is confined to the further period of one month. Beyond the aggregate period of four months, the statute confers no power at all on the FAA to entertain the appeal, however sufficient the cause shown may be.

8.3 As regards the facts, the order of cancellation is dated 17.05.2024. The Respondent did not plead before the FAA that the order was communicated to it on any later date, and the FAA itself computed the period from 17.05.2024. Reckoned from that date, the ordinary period of three months expired in August 2024, and the further period of one month in September 2024. The appeal was filed on 18.03.2025, about ten months after the date of the order and about six months after the expiry of the outer limit. The FAA itself recorded, in paragraph 7 of the impugned order, that "the appeal is time barred."

8.4 The Hon'ble Supreme Court in *Singh Enterprises v. Commissioner of Central Excise, Jamshedpur*, (2008) 3 SCC 70 : 2008 (221) E.L.T. 163 (S.C.), while construing the proviso to Section 35(1) of the Central Excise Act, 1944, which is *in pari materia* (on the same subject matter) with Section 107(4) of the Act, held in paragraph 8 as follows:-

> *"The proviso to sub-section (1) of Section 35 makes the position crystal clear that the appellate authority has no power to allow the appeal to be presented beyond the period of 30 days. The language used makes the position clear that the legislature intended the appellate authority to entertain the appeal by condoning delay only upto 30 days after the expiry of 60 days which is the normal period for preferring appeal. Therefore, there is complete exclusion of Section 5 of the Limitation Act. The Commissioner and the High Court were therefore justified in holding that there was no power to condone the delay after the expiry of 30 days period."*

8.5 The same principle was reiterated by the Hon'ble Supreme Court in *Commissioner of Customs and Central Excise v. Hongo India (P) Ltd.*, (2009) 5 SCC 791, wherein it was held that, in the absence of any clause condoning the delay by showing sufficient cause after the prescribed period, there is complete exclusion of Section 5 of the Limitation Act, and that it is the duty of the court to respect the legislative intent and not to extend limitation by giving a liberal interpretation.

8.6 In the specific context of Section 107 of the Act, the Hon'ble High Court of Delhi in *M/s. Addichem Speciality LLP v. Special Commissioner-I, Department of Trade and Taxes*, W.P.(C) 14279/2024 decided on 07.02.2025, (2025) 140 GSTR 451, held as under:-

> *"69. In summary, the power to condone delay caused in pursuing a statutory remedy would always be dependent upon the statutory provision that governs. The right to seek condonation of delay and invoke the discretionary power inhering in an appellate authority would depend upon whether the statute creates a special and independent regime with respect to limitation or leaves an avenue open for the appellant to invoke the general provisions of the Limitation Act to seek condonation of delay. The facility to seek condonation can be resorted provided the legislation does not construct an independent regime with respect to an appeal being preferred. Once it is found that the legislation incorporates a provision which creates a special period of limitation and proscribes the same being entertained after a terminal date, the general provisions of the Limitation Act would cease to apply.*
>
> *70. In view of the forgoing discussion, as it is evident that each of the appeals was filed beyond the prescribed period of limitation provided by Sections 107 (1) and 107 (4) of the CGST Act, the aforesaid writ petitions lack merit and are accordingly dismissed."*

8.7 To the same effect are the decisions of the Hon'ble High Court of Judicature at Allahabad in *M/s. Yadav Steels v. Additional Commissioner*, Writ Tax No. 975 of 2023, Neutral Citation No. 2024:AHC:26169; the Hon'ble High Court of Uttarakhand in *M/s. Radhika Furniture v. Commissioner, State Goods and Services Tax*, Writ Petition (M/B) No. 317 of 2025; the Hon'ble High Court of Judicature at Patna in *M K Traders v. State of Bihar*, Civil Writ Jurisdiction Case No. 6180 of 2026 decided on 14.07.2026; and the Hon'ble High Court of Judicature at Madras in *Tvl. Suguna Cutpiece Center*, W.P. No. 25048 of 2021 and batch, decided on 31.01.2022. In *Yadav Steels* (supra), the Hon'ble High Court held in paragraph 7 that "the period within which the appeal could have been filed was three months plus a period of one month. However, in the present case the appeal was filed beyond the period of four

months, and therefore, the appellate authority could not have condoned the delay even if sufficient cause was made out."

8.8 We are conscious that the Hon'ble High Court at Calcutta in *Mukul Islam v. The Assistant Commissioner of Revenue, State Tax, Cooch Behar Range*, WPA 917 of 2024 decided on 01.05.2024, following the Division Bench decisions of that Court in *S.K. Chakraborty & Sons v. Union of India*, (2024) 123 GSTR 229, and *Kajal Dutta v. Assistant Commissioner of State Tax*, (2023) 97 GST (Calcutta), took the view that the appellate authority is not denuded of its power to condone the delay beyond one month of the prescribed period. With great respect, we are unable to follow that view. More importantly, the view is contrary to the law declared by the Hon'ble Supreme Court in *Singh Enterprises* (supra) and *Hongo India* (supra), which binds this Tribunal under Article 141 of the Constitution. The Hon'ble High Court of Allahabad in *Yadav Steels* (supra), at paragraph 11, has also noted that *S.K. Chakraborty & Sons* (supra) failed to consider these decisions of the Hon'ble Supreme Court.

8.9 In fine, we are of the considered opinion that the FAA had no power to entertain the appeal filed by the Respondent on 18.03.2025 against the order dated 17.05.2024, the appeal having been presented beyond the aggregate period of four months under Sections 107(1) and 107(4) of the Act. Issue (i) is answered in favour of the Appellant.

Issue (ii) — Effect of the writ orders relied upon by the FAA

9.0 The FAA, having itself found the appeal to be time-barred, took up the matter only "In light of the orders issued by the Hon'ble High Court". It is, therefore, necessary to examine whether those orders conferred any power on the FAA.

9.1 The order in *M/s. Chenna Krishnama Charyulu Karampudi* (supra), as extracted in the impugned order and in the grounds of appeal, records in paragraph 7 as follows:-

> *"Though the lower appellate authority may be right in holding that while it may allow filing of an appeal beyond the limitation of three months for a further period of one month, therefore, by extension of limitation beyond the extended*

period of one month delay beyond the extended period of one month cannot be condoned, we are of the view that such a stand taken by respondent No.1 may adversely affect the petitioner. This is more so because respondent No.2 had suo motu cancelled the GST registration of the petitioner on the ground of non-filing of returns and as GST Tribunal has not been constituted under Section 109 of the CGST Act, petitioner would be left without any remedy."

9.2 It may be noted that the Hon'ble High Court did not hold that the FAA possesses the power to condone delay beyond the period prescribed under Section 107(4). On the contrary, the Hon'ble High Court observed that the lower appellate authority "may be right" in holding that delay beyond the extended period of one month cannot be condoned. The relief was granted in the exercise of the extraordinary jurisdiction of the Hon'ble High Court under Article 226 of the Constitution, having regard to the peculiar circumstances of that case, including the fact that this Tribunal had not then been constituted. The order in *M/s. Southern Enterprises* (supra), as recorded in the impugned order, followed the same course.

9.3 A distinction must be drawn between two kinds of writ orders. Where the Hon'ble High Court, in a writ petition, interprets a provision of the statute and declares the law, that declaration is binding on all authorities and tribunals within its territorial jurisdiction. Where, however, the Hon'ble High Court condones a delay or moulds the relief in exercise of its own discretionary and constitutional power under Article 226, that is an exercise of a power vested in the High Court alone. It binds the parties to that writ petition. It does not lay down any proposition of law which a statutory authority or this Tribunal can follow, for neither of them possesses the constitutional power so exercised.

9.4 The orders relied upon by the FAA belong to the second category. In condoning the delay, the Hon'ble High Court exercised its own power under Article 226; it did not declare that Section 107(4) confers on the FAA a power to condone delay beyond one month. The FAA, a creature of the statute, could not borrow that constitutional power and exercise it in an appeal

of a different taxpayer who was not a party to those writ petitions, and in whose case there was no direction of the Hon'ble High Court.

9.5 We had occasion to consider the very same question in the batch of Department appeals in APL/2/HYD/2026 and connected matters, decided by Common Order Nos. 04 to 19/COURT-II/HYD/2026 dated 18.09.2026. In paragraphs 18.1 to 18.7 and 19.1 to 19.4 thereof, this Bench held that the exercise of constitutional power by the Hon'ble High Court under Article 226 cannot be transplanted into the jurisdiction of a statutory authority; that the orders relied upon did not lay down that the FAA possesses an inherent or plenary power to condone delay beyond the outer limit in Section 107(4); and that the FAA, in condoning such delay, acted *ultra vires* (beyond the powers conferred by) the Act. We respectfully reiterate that view.

9.6 In fine, we are of the considered opinion that the writ orders in *M/s. Southern Enterprises* (supra) and *M/s. Chenna Krishnama Charyulu Karampudi* (supra), being orders condoning delay in the exercise of the jurisdiction of the Hon'ble High Court under Article 226, did not confer on the FAA any power to entertain an appeal beyond the period prescribed under Section 107(4), and could not be followed by the FAA. Issue (ii) is answered in favour of the Appellant.

Issue (iii) — Whether this Tribunal can condone the delay

10.0 The next question is whether this Tribunal, while examining the impugned order, can itself condone the delay in the filing of the first appeal before the FAA and thereby sustain the impugned order.

10.1 In the present appeal, the question before us is whether the FAA had jurisdiction to entertain the first appeal at all. In answering that question, this Tribunal stands in the shoes of the FAA and can exercise no larger power in that regard than the FAA itself possessed. What the statute has denied to the FAA, this Tribunal cannot supply. If this Tribunal were to uphold the impugned order by condoning a delay which the statute makes uncondonable, it would be doing indirectly what the FAA could not do directly. The jurisdiction of this Tribunal is equally

a creature of the statute, and it cannot be enlarged on considerations of equity or hardship. *Aequitas sequitur legem* (equity follows the law).

10.2 The Hon'ble Supreme Court in *Assistant Commissioner (CT), LTU, Kakinada v. Glaxo Smith Kline Consumer Health Care Ltd.*, (2020) 19 SCC 681, at paragraph 16, noticed with approval the decision of a three-Judge Bench in *ONGC v. Gujarat Energy Transmission Corp. Ltd.*, wherein it was held, with reference to a provision permitting condonation for a further period not exceeding sixty days, as under:-

> *"It is equivalent to Section 3 of the Limitation Act. Therefore, it is uncondonable and it cannot be condoned taking recourse to Article 142 of the Constitution."*

10.3 When a delay beyond the statutory outer limit cannot be condoned even by recourse to the plenary powers of the Hon'ble Supreme Court under Article 142 of the Constitution, a statutory Tribunal, whose powers are derived wholly from the Act, plainly cannot condone it. The appeal before the FAA, having been filed beyond the outer limit of four months, was one which the FAA could not entertain. An order passed by an authority on an appeal it had no jurisdiction to entertain is *coram non judice* (before a person or authority lacking jurisdiction). Such a defect goes to the root of the jurisdiction and cannot be cured by this Tribunal in a further appeal.

10.4 In fine, we are of the considered opinion that this Tribunal cannot condone the delay in the filing of the first appeal before the FAA, which the FAA itself had no power to condone, and cannot sustain the impugned order on that basis. Issue (iii) is answered in favour of the Appellant.

Issue (iv) — Effect of the decision in APL/2/HYD/2026 batch

11.0 In the batch of appeals in APL/2/HYD/2026 and connected matters, this Bench, while holding that the FAA had travelled beyond the statutory limits prescribed under Section 107(4), disposed of the Department appeals as not maintainable. That conclusion rested entirely on the subsequent conduct of the Department. In those cases, the Department had implemented the

orders of the FAA and restored the registrations of the taxpayers, who had thereafter resumed their business. This Bench held, in paragraphs 20.0 to 21.4 of that order, that the Department, having acted upon those orders, could not assail them, and that allowing the appeals would imperil the genuine transactions undertaken by the taxpayers during the intervening period and the input tax credit availed by their recipients.

11.1 The position in the present case is materially different. It is the uncontroverted submission of the Ld. DRs that the Respondent has not approached the proper officer in pursuance of the impugned order, and that the cancellation of its registration has not been revoked till date. The Department has not acted upon the impugned order. No registration has been restored, no business has been carried on under a restored registration, and no input tax credit of any recipient is affected.

11.2 The very foundation on which the Department appeals in the APL/2/HYD/2026 batch were disposed of is therefore absent here. The present appeal is neither academic nor infructuous, and the Department is not precluded by its own conduct from challenging the impugned order. The finding of this Bench on the first issue in that batch, namely that the FAA travelled beyond the statutory limits prescribed under Section 107(4), applies with full force.

11.3 Having held that the FAA had no jurisdiction to entertain the appeal, we refrain from examining the further ground urged by the Department regarding the non-compliance by the Respondent with Rule 23 of the Rules, and we leave that question open. Nor do we express any opinion on the merits of the order of cancellation.

11.4 Issue (iv) is answered in favour of the Appellant.

Conclusion

12.0 *In fine* (in conclusion), we are of the considered opinion that:

(i) the FAA had no power to entertain the appeal filed by the Respondent on 18.03.2025 against the order of cancellation dated 17.05.2024, the appeal having been presented

beyond the aggregate period of four months under Sections 107(1) and 107(4) of the Act (paragraphs 8.0 to 8.10 above);

(ii) the writ orders of the Hon'ble High Court for the State of Telangana relied upon by the FAA, being orders condoning delay in the exercise of jurisdiction under Article 226, did not confer any such power on the FAA and could not be followed by it (paragraphs 9.0 to 9.6 above);

(iii) this Tribunal cannot condone the delay which the FAA itself had no power to condone (paragraphs 10.0 to 10.4 above); and

(iv) the cancellation of registration not having been revoked till date, and the impugned order not having been acted upon, the Department appeal is maintainable and is liable to be allowed (paragraphs 11.0 to 11.4 above).

12.1 The issues framed in paragraph 7.1 above are answered accordingly.

ORDER

13.0 In the result, the appeal filed by the Department is allowed and the order impugned is set aside.

14.0 No order as to costs.

(Order pronounced in open court on 20.11.2026 in the presence of DR)

(A P RAVI)
Member (Judicial)

(DUVVURI KRISHNA SRINIVAS)
Member (Technical)

Dated: 20.11.2026