

S. N.	Section	Case Subject	Case	Held
1.	Section 54	Interest payable on refund in case of inordinate delay	Sesame Workshop Initiatives (India) (P.) Ltd. v. Union of India [2023] 151 taxmann.com 52 (Delhi)	<p>By an order dated 04.10.2021, a refund of Rs. 1,12,98,201/-was sanctioned. The refund of SGST of Rs. 44,60,713/- was processed and disbursed on 09.03.2022. However, refund of CGST and IGST was not processed despite refund order dated 04.10.2021, sanctioning the same. A letter informing the petitioner of disbursal of the said amount was issued on 23.04.2023 and the said amount was credited into the petitioner's bank account on 27.04.2023. The issue involved in the present case is now confined to the interest payable on the said amount.</p> <p>The High Court held that undisputedly, if a person is denied of the payment due to him, he is required to be compensated. In <i>Sandvik Asia Limited v. Commissioner of Income tax I, Pune</i>: (2006) 2 SCC 508 the Supreme Court had endorsed the principle that interest would be payable even in cases where there was no statutory provision for payment of interest. Therefore, it was held that petitioner was entitled to interest from 01.11.2021 (considering an allowance of twenty-six days for the respondents to comply with the refund sanction order dated 04.10.2021) till the date of payment, that is, 27.04.2023 at 6% per annum.</p> <p>Cases Referred- Union of India v. Tata Chemicals Ltd.: (2014) 6 SCC 335; Sandvik Asia Limited v. Commissioner of Income tax I, Pune: (2006) 2 SCC 508</p>
2.	Section 69 and Section 132	Grant of Bail	Amrinder Singh v. State of Punjab [2023] 151 taxmann.com 51 (Punjab & Haryana)	<p>The High Court observed that broadly speaking (subject to any statutory restrictions contained in Special Acts), in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.</p> <p>Therefore, in view of the above, bail was granted in view of the fact that the petitioner was arrested on 13.03.2021 and was is in custody ever since in a case where the maximum sentence that could be awarded was 05 years, the further incarceration of the petitioner is not required, more so when his co-accused have been granted the concession of regular bail vide order dated 31.08.2022.</p>
3.	Section 54	Documents signed in the manner prescribed in Rule 26 but not physically signed as required in the circular may be an irregularity but not an illegality	Medicamen Biotech Ltd. v. Union of India [2023] 150 taxmann.com 408 (Rajasthan)	<p>The appellate authority declared the sanction for refund as illegal as declarations were not signed in physical mode before it could be scanned and uploaded through electronic mode. For this purpose, Appellate Authority relied upon Circular dated 18.11.2019.</p> <p>The High Court observed that a conjoint reading of the provisions contained in Rule 26 and Rule 89 of the CGST Rules of 2017 does not mandate that even after having authenticated a document in the manner prescribed under Rule 26 of the CGST Rules of 2017, insofar as declarations (as sought in the present case) are concerned, they are also required to be signed in physical mode before being scanned and uploaded through electronic submission along with the application for refund. However, by administrative instructions, i.e. Circular dated 18.11.2019, such requirement was added. Though non-submission of refund application along with the declarations as required under the law would certainly be illegal and that may, in appropriate case, entail rejection of the application, however, if declarations, as in the present case, are digitally authenticated in the manner prescribed under Rule 26 of the CGST Rules of 2017, non-submission of physically signed and scanned declarations may only be an irregularity, but not an illegality. Therefore, High Court held that impugned order passed by the Appellate Authority upsetting the order of refund passed by the Adjudicating Authority was not sustainable in law.</p>
4.	Section 107	Availability of alternative remedy	Kramski Stamping and Molding Indis (P.) Ltd. v. State Tax Officer (Int.) [2023] 151 taxmann.com 85 (Madras)	<p>In the instant case, detention was goods was made for failure to carry E-Invoice during the movement of the goods. The High court held that they cannot entertain this writ petition as principles of natural justice have not been violated since the impugned order was only passed after giving the petitioner time to submit the reply and after consideration of reply filed. The writ petition was disposed of with directions to file statutory appeal, if aggrieved by the impugned order before the statutory Appellate Authority as per the provisions of Section 107 of G.S.T. Act, 2017 and a direction was issued to the statutory Appellate Authority as and when an appeal was filed by the petitioner to consider the petitioner's application seeking for provisional release under Section 129(1) of the G.S.T Act, 2017.</p>