THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(Set up by an Act of Parliament)

INDORE BRANCH (CIRC)



NEWSLETTER

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CHAIRMAN COMMUNIQUE

Dear Members,

Greetings!

As we present the September edition of our Branch Newsletter in this festive month, it is an opportunity to reflect on our professional journey, celebrate our achievements, and look forward to new avenues of learning and growth.

September and October are particularly significant for the Chartered Accountancy fraternity, with the tax audit season demanding dedication and accuracy. The extension of the due dates for furnishing Tax Audit Reports to 21st October 2026 and filing Income Tax Returns for audit cases to 21st November 2026 has provided additional time for completing these important compliances, which requires precision. I appreciate the sincere efforts of our members and their teams in upholding the highest standards of professional excellence during this demanding period.

On the academic front, the Branch organized a technical session on Tax Audit, facilitating discussions on practical challenges, recent developments, and professional responsibilities. We also celebrated Teachers' Day on 5th September, recognising the contribution of teachers and mentors in shaping future professionals. Their knowledge, guidance, and commitment continue to inspire generations of Chartered Accountants.

The festive spirit of Ganesh Chaturthi, Navratri, Garba, and Dussehra adds joy and positivity to this season. Lord Ganesha inspires us to overcome obstacles with wisdom, while Navratri and Dussehra remind us of the power of perseverance, righteousness, and the ultimate triumph of good over evil. These values resonate deeply with our profession, where integrity, knowledge, and ethical conduct remain our strongest foundations.As we move ahead, let us continue to strengthen our professional fraternity through collaboration, continuous learning, and meaningful engagement. The enthusiasm and participation of our members and students remain the driving force behind the progress of the Indore Branch.

I extend my heartfelt wishes to all members, students, and their families for a joyful festive season. May these celebrations bring happiness, prosperity, renewed energy, and continued professional success.



Warm Regards,

CA. Samkit Bhandari

Chairman,

Indore Branch (CIRC)

Extension Should Not Become an Annual Ritual



CA. ANURAG JOSHI

Every year, as September approaches, we hear the same question in professional circles:

"Will the tax audit date be extended?"

This has almost become an annual ritual nationwide. We start delaying work, waiting for an extension, while representations and writ petitions begin to flood professional groups and social media.

Perhaps this year, we should pause and ask ourselves a slightly different question:

Do we really need an extension, or do we need to change the way we work?

The real issue is not September- Thechanging penalty regime from AY 2027-28 provides an additional reason for us to rethink our approach. We need to understand the consequences of delay carefully and communicate them to clients well in advance. **From next year, the penalty is not at the discretion of the AO but will be fixed**. Moreover, if we continue to complete audits at the last minute, we may save the calendar date but compromise the very thing that matters most to a professional — **the quality of our work.**

Compressed timelines increase the risk of inadequate review, unresolved issues, errors and professional oversight at the eleventh hour.That is precisely why we need to change our work culture.

The practical reality is that, in the age of GST and timely TDS compliance, most of the information required for a tax audit is not suddenly created in September.Sales and purchases are reported monthly or quarterly. GST returns are filed. TDS is deducted and reported. Accounts are maintained on computers and cloud platforms. In many businesses, the books are substantially complete within a month or two after the year-end.So why should the auditor see the complete books for the first time in September?

The uncomfortable truth is that information generally reaches the auditor in proportion to the proximity of the due date.

When the due date is four months away, there is no urgency but when it is ten days away, suddenly everybody becomes very serious.

The client does not bring the books when the date is on the horizon. The books arrive when the date is at the door.

We also have a role to play - Instead of repeatedly asking for an extension, perhaps we should start asking our clients for their books in May, June or July — and, in the case of large clients, even during the year. We should set our own deadlines much before the statutory deadline and stick to them.

The first step is therefore to **instil discipline in the client.** And 2027 may actually help us in doing this.

The possibility of a financial consequence for delay gives us a strong reason to tell our clients, well in advance, that 30 September is not the date by which they should start thinking about the audit. It is the date by which the audit should already be completed. Our internal deadline should be much earlier.

A possible audit calendar can be like-

A CA office could adopt a working calendar broadly along these lines:

Period	What the CA office should do	What the client should do
April	Send engagement letter and audit checklist	Confirm appointment
May	Obtain provisional trial balance, ledgers and GST data	Keep books substantially updated
June		Resolve accounting issues
July	Conduct first audit review	Provide confirmations and supporting documents
August	Conduct detailed audit and reconciliations	Close all pending queries
1–10 September	Complete draft audit and resolve queries	Give final approval
11–20 September	Finalisation Partner review and second-level review	Complete signatures/DSC formalities
21–25 September	Filing	Provide only exceptional information
26–29 September	Keep as buffer	Genuine emergencies only
30 September	**No normal audit work**	Statutory deadline

The idea is simple: - 30 September should be our safety net, not our target date.

I would go one step further and divide clients into three broad categories.

For large and complex clients, I would want complete books by 30 June, substantial completion of the audit by 31 July, and finalisation by 15 August.

For regular clients, books should preferably be complete by 31 July, audit by 31 August, and finalisation by 15 September.

For small and simple clients, books could be completed by 15 August, audit by 10 September, and finalisation by 20 September.

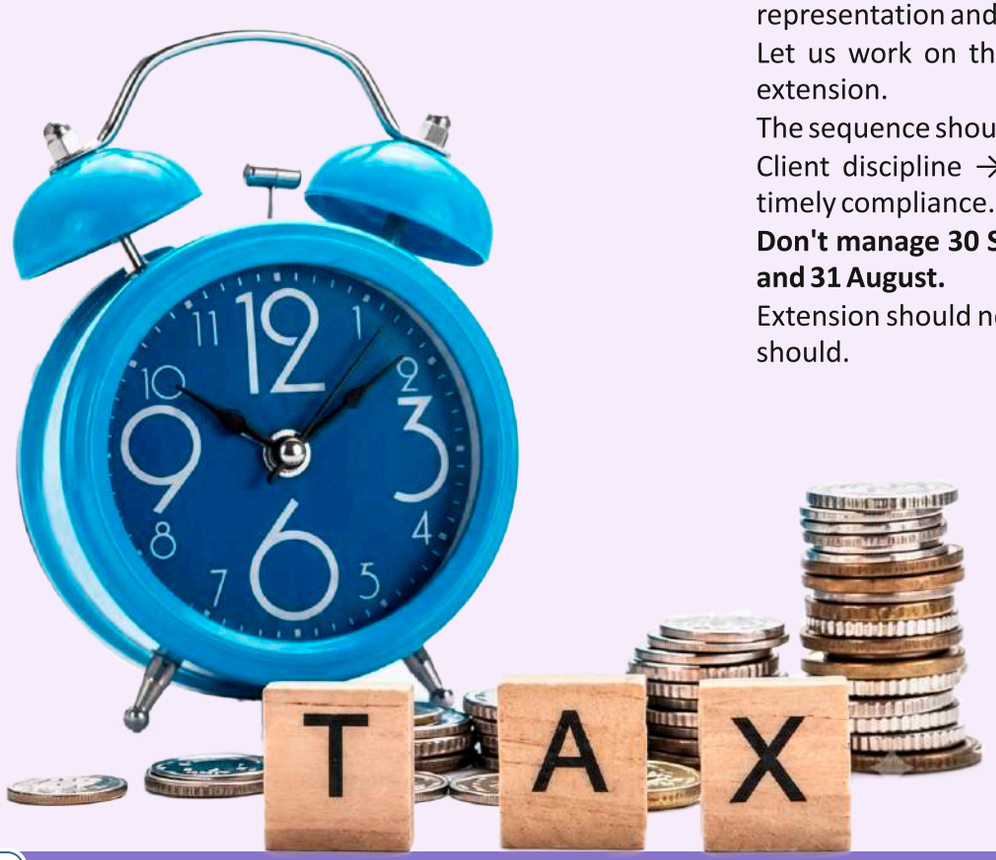
This gives the office some much-needed breathing space.

“No books, no audit slot”- This may sound a little harsh, but perhaps it is time for CA offices to adopt a simple principleA client should not be able to send complete data for the first time on 15 September and expect the CA office to somehow finish everything before the due date.The engagement letter itself can make the position clear:

- “The statutory due date is 30 September. However, the firm will have an internal cut-off date for receiving complete books and information. Any delay in providing the required information may affect the firm's ability to complete the audit within the statutory timeline, and any statutory consequence arising from such delay shall be the responsibility of the assessee”.

Once this is communicated at the beginning of the year, the conversation with the client in September becomes much easier.

Another simple measure that can help is a tax audit dashboard.



Every client can be marked:

Green — everything received and audit on track.

Amber — information or reconciliations pending.

Red — serious risk of missing the internal deadline.

The partner should be able to look at the dashboard and immediately know how many audits are actually at risk.This is not merely an administrative exercise. It is a way of converting the September rush into a planned workflow.

Junior → Data and reconciliations

Semi-senior → Audit working papers

Senior → Audit and tax issues

Partner → Professional judgement and final review

Poor planning, on the other hand, has a cascading cost and effects :

Time — spent on audit work instead of study, new opportunities and family.

Cost — additional staff and office overheads.

Contribution — lower professional output per hour because the same work is compressed into a shorter period.

Realisation — fees are often collected later when the entire process is delayed.

Leisure — because the auditor's September stress simply gets shifted into October.

Should we never ask for an extension? – No,I am not suggesting that the profession should never seek an extension.Genuine systemic difficulties, significant changes in law, technical problems or exceptional circumstances may certainly justify professional representation and, where appropriate, an extension.

Let us work on the assumption that there will be no extension.

The sequence should be simple:

Client discipline → timely records → quality audit → timely compliance.

Don't manage 30 September. Manage 30 June, 31 July and 31 August.

Extension should not become an annual ritual.Discipline should.

No Prosecution for delay deposit of TDS TCS under Income Tax Act 1961? Now what for delay deposit of TDS TCS from tax year 2026-27?



CA. RAJESH MEHTA



As per interpretation of Sec. 276B and 276BB it is generally stated that delay deposit of TDS TCS shall be punishable for imprisonment and/or fine, as the case may be. Or it is liable for compounding.

But this interpretation seems to be wrong on strict and correct interpretation of law.

1961 Act: Section 276B main heading:-**Failure to pay tax to the credit of Central Government under Chapter XII-D or XVII-B.**

Sec. 276B: If a person fails to —

(a) **pay to the credit of the Central Government, the tax deducted at source by him as required by or under the provisions of Chapter XVII-B;** .---

--------he shall be punishable with rigorous imprisonment ------.

In my view, the correct and strict interpretation of above section will be, that, if tax deducted at source is not paid then only,he shall be punishable with imprisonment and/or fine, i.e. if he fails to pay, the Tax deducted at source as required by or under the provisions of Chapter XVII-B.

It is evident that Sec. 276B nowhere speaks about time and manner of deposit of TDS, it only talks about tax deducted at source as per Chapter XVII-B.

Section 276B nowhere speaks about tax to be deposited as per Chapter XVII-B.

If drafting of Sec. 276B would have been as follows, then only deductor could be punishable for delay deposit of TDS:-

Sec. 276B: If a person fails to —

(a) pay to the credit of the Central Government, the tax deducted at source by him, as required by or under the provisions of Chapter XVII-B; .----------

--------he shall be punishable with rigorous imprisonment ------.

If punctuation mark comma would have been inserted as above, after the phrase, "the tax deducted at source by him", in Sec. 276B(a), then only it can mean that tax deducted is to be paid as required by or under the provisions of Chapter XVII-B.

In absence of above referred punctuation mark of comma, as per the prevalent drafting of Sec. 276B, it can be concluded that no deductor shall be punishable for imprisonment or fine due to delay deposit of TDS.

Similar drafting is there as per Sec. 276BB of I.T. Act,

1961 in case of Tax collected at source – TCS, i.e. delay deposit of TCS cannot be punishable for imprisonment or fine.

First ever time limit specified U/s. 276B w.e.f. 1-10-2024:-

By the Finance (No.2) Act, 2024 a proviso was inserted U/s. 276B, first ever specifying that if payment of TDS to the credit of Central Govt. is delayed, but deposited on or before the time prescribed for filing the statement for such payment U/s. 200(3), then he shall not be punishable with imprisonment or fine. For example:if tax is deducted on 12-1-2026 but instead of depositing TDS upto 7-2-2026, if deposited on or before 31-5-2026 i.e. due date for 4th quarter of TDS statement (TDS return), then Sec. 276B shall not be attracted. If such TDS is deposited after due date of furnishing relevant TDS statement, e.g. deposited after 31-5-2026 then he shall be punishable with imprisonment or fine, as the case may be.

Similar proviso has been inserted U/s. 276BB w.e.f. 1-4-2025 for delay deposit of TCS.

In the opinion of the author since the main heading of Section 276B and 276BB and main Section 276B and 276BB nowhere specifies delay deposit as default liable for imprisonment or fine, therefore since Sec. 276B and 276BB itself has no authority for punishing with imprisonment or fine for delay deposit of TDS TCS,then no prosecution can be initiated based on proviso. Scope of a section cannot be expanded by inserting a proviso.

> In **Shah Bhojraj Kuverji Oil Mills & Ginning Factory vs. Subhash Chandra Jograj Sinha, AIR, 1961 SC 1596, at page 1600,** the parameters of a proviso was summed up by the Supreme Court: "The Law with regard to provisos is well-settled and well-understood. As a general rule, a proviso is added to an enactment to qualify or create an exception to what is in the enactment and ordinarily, a proviso is not interpreted as stating a general rule."

Any tax deducted at source or collected at source, in case of delay deposit of TDS TCS it is not punishable with imprisonment or fine, but if he fails to deposit at all then only it is punishable offence, hence in case of delay deposit of TDS TCS even compounding is not required at all.

Supreme Court ruling dated 1 September 2026: "Failure to pay" means non-payment, not merely delayed payment

A significant judgment supporting the interpretative argument is M/s. Saudi Arabian Airlines v. Union of India, Civil Appeal No. 1052 of 2013, decided by the Supreme Court on 1 September 2026.

The Supreme Court, while interpreting section 38(3) of the Finance Act, 1979, held that the expression "fails to pay" means non-payment and cannot be equated with delayed payment. The Court distinguished delayed payment of Foreign Travel Tax from non-payment and held that section 38(3) of that act did not cover a case in which the tax had been deposited belatedly before issuance of the show-cause notice. Para 39 of the said judgment states, "Failure to pay" would mean "non-payment". "Failure to pay" would not mean and cannot be equated with "delay in making payment". Para 35.1 of the judgment states, "Failure to pay the FTT or non-payment of FTT is not to be equated with delayed payment of FTT." Para 40 of the said judgment states that penalty is not automatic merely because the word, "shall" is used: "Insofar imposition of penalty is concerned, be it under any of the sub-sections of Section 38 i.e. sub-sections (2), (3) and (4), it is not automatic, notwithstanding the word 'shall' appearing therein."

The judgment reinforces the principle that a penal provision must be interpreted according to its statutory language, without extending its scope by interpretative expansion. It lends substantial support to the argument that the expression "fails to pay" should not automatically be interpreted as covering every instance of delayed payment.

The decision must, however, be applied with due regard to the wording and statutory scheme of the particular enactment. Its application to sections 276B and 276BB of the Income-tax Act, 1961, and sections 476 and 477 of the Income-tax Act, 2025, will require consideration of the respective provisions, including the express exceptions inserted by Parliament concerning the deadline for furnishing the relevant TDS/TCS statement.

Now what is position under New Income Tax Act 2025 U/s. 476 and 477 regarding delay deposit of TDS TCS?:-

Under new Income Tax Act, 2025: Sec. 476 and 477 has

been drafted in such a manner so that now delay deposit of TDS TCS shall be punishable with imprisonment or fine, if deposited after due date of furnishing TDS TCS statement of relevant quarter, as the case may be (as per amendment introduced in Finance bill 2026 under the 1961 and the 2025 Act)

Main heading of Sec. 476: Failure to pay tax to credit of Central Government under Chapter XIX-B.

"Sec. 476. (1) If a person fails to—

(a) pay the tax deducted at source by him to the credit of the Central Government, as required by or under the provisions of Chapter XIX-B; or

(b) pay tax or ensure payment of tax to the credit of the Central Government, as required under—

(i) Note 2 below the Table in section 393(3); or

(ii) Note 6 to section 393(1) (Table: Sl. No. 8),

he shall be punishable with rigorous imprisonment for a term which shall not be less than three months but which may extend to seven years, and with fine.

(2) The provisions of this section shall not apply if the payment referred to in sub-section (1)(a) has been made to the credit of the Central Government on or before the time prescribed for filing the statement under section 397(3)(b) in respect of such payment."

COMPOUNDING GUIDELINES:-Under the CBDT compounding guidelines 2024, the non-refundable application fee is:

- Single compounding application: Rs.25,000
- Consolidated compounding application: Rs.50,000

The application fee is adjustable against the final compounding charges, if any. Outstanding tax, interest, penalty and other amounts relating to the offences must ordinarily be paid before filing. The applicant must also undertake to withdraw appeals relating to the offences being compounded.

The 2024 guidelines rationalised the charges for offences under sections 276B and 276BB, reducing the applicable monthly rate to 1.5% per month for the relevant TDS/TCS defaults under the revised framework. The actual amount must be calculated in accordance with Annexure 4 and the facts of the particular default.

Two points deserve attention:

- For sections 276B and 276BB, the application must cover all defaults relating to the relevant TAN and period as specified in the guidelines.
- If an application is filed more than 12 months after the end of the month in which the prosecution complaint was filed, the prescribed compounding charges increase by 50%.

Conclusion:

From the reading of above comparison of Sec. 276B of 1961 Act and Sec. 476 of 2025 Act it is clear that, drafting in the Sec. 276B of 1961 Act held non-payment of TDS as punishable offence, and Sec. 276B nowhere specified that tax deducted is to be deposited as required by or under the provisions of Chapter XVII-B, i.e. delay deposit was not covered, only failure to pay was covered U/s. 276B. Whereas now under new Income Tax Act 2025 u/s. 476 tax deducted is to be paid to the credit of Central Government as required by or under the provisions of Chapter XIX-B[i.e. to be deposited within specified time limit and limited exception/relaxation is provided under sub-section 2 of Sec. 476].

The circulars issued by the CBDT relating to compounding of offences and other relevant relaxations shall continue to remain in force under the new Income-tax Act, to the extent they are not inconsistent with the provisions of the new Act, unless specifically withdrawn, modified, or superseded by fresh circulars issued in this regard.Honourable Bombay High Court considering various other grounds and distinguishing the SC judgment of Madhumilan Syntex Ltd and others Vs. Union of India andanother [(2007) 11 Supreme Court Cases 297], has already passed judgment in favour of the assessee/deductor in the case of Hemant Mahipatray Shah and anr. Vs. Anand Upadhyay and Anr. vide Cri. WP 3038 of 2022 order dt. 12-8-2024 by quashing the prosecution proceedings U/s. 276B of Income Tax Act, and SLP of revenue also dismissed by Honourable Supreme Court, Cri. Diary No. 14669/2025 order dt. 17-4-2025.

The tax deductors and tax collectors may also kindly be aware that delay deposit is not a right and the above article and views can guide only in cases where delay deposit has occurred under exceptional circumstances or reasonable causes.

Beyond Training:

BUILDING A CA OFFICE THAT SHAPES FUTURE CA's



CA. ARWA RUMALIWALA

For a small or medium-sized CA firm, the strength of the practice is not only its clients, technical expertise or reputation—it is also the people who work behind the scenes. A positive office environment can make a significant difference in how young professionals learn, contribute and grow.

1. **Create a Friendly Atmosphere**

   An article assistant should not feel that he or she is merely an employee reporting to a boss. Try to build a relationship of trust and friendship. Listen to them, encourage them to share their difficulties and ideas, and create an environment where they are not afraid to speak. When people feel heard, they are more willing to take responsibility and support the team when it matters most.

2. **Make Training a Regular Practice**

   Learning should not stop at the books. Regular training sessions, discussions on practical assignments and sharing professional experiences can turn everyday work into meaningful learning.

3. **Break the Routine**

   Audit and compliance work can sometimes become repetitive. Small celebrations, team interactions, informal discussions or occasional breaks from routine can keep the workplace energetic and enjoyable.

4. **Appreciate and Reward**

   A simple “well done” can go a long way. Recognising sincere effort and rewarding good performance makes people feel valued and motivates them to give their best.

5. **Sharpen Their Skills and Build Their Personality**

   In today's competitive professional environment, this is perhaps the most important responsibility of a CA office. Give articles exposure beyond routine assignments. Allow them to interact with clients, understand practical situations, communicate professionally, present their views and take ownership of work. The objective should be that when they eventually leave the office, they carry with them not just technical knowledge, but also confidence, communication skills, professional etiquette, problem-solving ability and a mature personality.



An article's training should prepare them not merely to become a better CA, but to become a better professional and a better individual.

Ultimately, a good CA office should be a place where articles come not merely to complete their training, but to learn, contribute and look forward to coming to work.

EFFECTIVE COMMUNICATION Vs SERVICE ON GST PORTAL:

When Does GST Limitation Really Begin



CA. (Adv.) ANKIT KARANPURIA

Introduction

The introduction of the Goods and Services Tax (GST) regime marked a watershed moment in the history of Indian indirect taxation, ushering in a complete digital overhaul of tax administration. Today, key statutory processes from the issuance of notices and orders to the filing of replies and appeals are managed entirely through the GST Common Portal.

However, a recurring issue has emerged: numerous appeals are dismissed at the threshold as time-barred, despite taxpayers having strong merits. In many instances, assessment orders and notices were uploaded online without the assessee's actual knowledge. Consequently, First Appellate Authorities have strictly computed the statutory limitation period under Section 107(1) read with Section 169(1)(d) from the date of digital upload on the portal. This article examines the interplay between these provisions in light of recent High Court rulings that draw a vital distinction between mere portal upload and the effective communication of an order.

Analysis of Section 107(1) vs Section 169

Section 107(1) of the CGST Act provides that an appeal against an adjudication order must be filed before the prescribed Appellate Authority within three months from the date on which the said decision or order is communicated to such person. Notably, the legislature has specifically employed the phrase **"communicated to such person"** rather than mere "service".

In contrast, Section 169(1) outlines the permissible modes of service for any decision, order, summons, notice, or other communication. One such recognized mode under clause (d) is making it available on the common portal. Furthermore, Section 169(2) creates a legal fiction, providing that every such decision, order, summons, or notice shall be deemed to have been served on the date on which it is tendered, published, or affixed in the manner specified under sub-section (1).

Thus, while Section 169 governs the procedural modes of service and establishes when an order is deemed to be served, Section 107(1) hinges limitation on the actual communication of the order a concept qualitatively distinct from, and substantive compared to, mechanical deemed service.

Merely uploading on Portal – Valid Service vs Effective Service

The Hon'ble Madras High Court has consistently observed in multiple rulings that rather than mechanically passing ex parte orders, adjudicating authorities must explore the alternative modes of service enumerated under Section 169(1) of the CGST Act instead of merely issuing repeated reminders on the GST portalwhich the assessee may remain entirely unaware of. The Court has emphasized that while making an order or notice available on the portal qualifies as valid statutory service, it does not necessarily constitute effective service.

In this context, courts have underscored that alongside uploading proceedings on the portal, notices ought to be dispatched through **Registered Post Acknowledgement Due (RPAD).** Under Section 169(3) read with the general principles of statutory presumption, service by registered post creates a reliable paper trail and is deemed to be received upon expiry of the regular postal transit period, unless the contrary is proved.

Furthermore, practical and technical infirmities persist within the GST Common Portal:

- **Lack of Prominent Dashboard Alerts:** There is often no intuitive alert on the main dashboard indicating that a notice or order has been uploaded under tabs like "View Notices and Orders" or "View Additional Notices and Orders".
- **Absence of Delivery Acknowledgement:** The

portal lacks an automated, system-driven read-receipt or acknowledgement mechanism to confirm that a document uploaded has actually come to the attention of the taxpayer.GST portal does not create alog in respect of the accessing of any communication issued by the Tax Officers, such as a Show Cause Notice, Orderetc., by a taxpayer.

- **Deficient Email Notifications:** Automated email and SMS alerts fail to attach a physical copy of the order or notice, merely providing references that fail to meet the threshold of effective communication.

Consequently, when an adjudication order or notice is merely uploaded on the common portal without exploring other statutory channels or ensuring actual delivery, it cannot be said to have been effectively communicated so as to trigger the limitation clock against the assessee.

Reliance in this regards is placed upon the following decision:

- **AXIOM GEN NXT INDIA PVT. LTD. Versus COMMERCIAL STATE TAX OFFICER**
- **IN SOORYA EXPRESS CARGO Versus UNION OF INDIA(2025) 33 Centax 80 (Mad.) (2025) 29 Centax 368 (Mad.)**
- **BSAMBINO AGRO INDUSTRIES LTD Versus STATE OF UTTAR PRADEH(2026) 38 Centax 81 (All.)**

Communication vs Service

A careful reading of the aforesaid provision leads to conclude that the limitation will start running from the date on which the order or decision is communicated to the assessee. The provision does not say that limitation should be calculated from the date of service of the order on the assessee. Section 169 talks about service.

When a statute employs two different expressions, they denote different meanings. The expressions "served" and "communicated" are not synonymous. It has been held in more than one decision that communication is a strong word. In P. Ramanatha Aiyar's Advanced Law Lexicon, the term "communicate" is defined to mean impart or transmit information. The element of reaching out is implied in communication. Section 122 of the Indian Evidence Act also employs this expression. It has been interpreted to mean sharing of knowledge by one with another. Communication is always a bipartite affair. Service will become communication if the authority reaches out to the assessee. This can be done by giving or tendering directly or by a messenger including a courier to the addressee or sending by registered post or speed post. If the authority sends the order to the last known address of the assessee, it would suffice. If the assessee could not be found or he refuses to accept service, the authority need not do anything more. The expression "communication" should be understood in this sense. But mere uploading in the portal by no stretch of imagination would satisfy the requirement of communicating to the assessee. The statute obliges the authority to communicate to the assessee. **There is no obligation cast on the assessee to access the portal. Therefore limitation period u/s 107(1) will start from the date of actual knowledge of the Order/Notice.**

Reliance in view of the above is placed upon the decision of **SHARP TANKS AND STRUCTURALS PVT. LTD. Versus DEPUTY COMMISSIONER (GST) (APPEALS), TIRUNELVELI (2025) 34 Centax 426 (Mad.)**

It has been held by the hon'ble Allahnad HC in case of **BAMBINO AGRO INDUSTRIES LTD Versus STATE OF UTTAR PRADESH** (Supra) that wherever an assessee files an appeal declaring that it is within time from the date of actual' **communication' of the order, a presumption may arise in favour of the assessee on the strength of such declaration. The burden to prove otherwise, may lie on the revenue to establish** that actual 'communication' of the contents of the Show Cause Notice or adjudication order had been made prior in time, as may have allowed the limitation to start running from such prior date. Failing that, the limitation to file appeal may be computed with reference to the date that may be disclosed by the individual assessee, in each appeal.

Further, Hon'ble Punjab and **Haryana HC in case of Luxmi Traders v. Union Territory of Chandigarh, (2026) 44 Centax 371 (P&H)** has held that where show cause notice or order in original was served only by uploading it under the 'View Additional Notices and Orders' tab on GST portal without acknowledgment or reply by assessee, such upload did not constitute valid service and ex parte proceedings were liable to be restored to the stage of issuance of show cause notice and in cases were appeals were dismissed on grounds of limitation, such appeals were to be restored on its original numbers.

Further, it has been noted that the Common Portal referred to in Section 146 of the CGST Act, 2017, has not been notified for the service of notices or orders, as no separate notification has been issued for this purpose. This stands in contrast to the specific notifications issued under this section: first, Notification No. 04/2017-CT dated 19.06.2017, which notified www.gst.gov.in (managed by the Goods and Services Tax Network) solely for facilitating registration, tax payment, return filing, and the computation and settlement of integrated tax; second, Notification No. 09/2018-CT dated 23.01.2018, which notified www.ewaybillgst.gov.in (managed by the National Informatics Centre) for furnishing electronic waybills; and third, Notification No. 69/2019-CT dated 13.12.2019, which notified common portals for the preparation of electronic invoices under Rule 48(4).

Conclusion

In light of the foregoing analysis, it is evident that the term "communication" under Section 107(1) is substantively wider and more protective than mere procedural service. The statutory limitation clock should rightly begin from the date of actual knowledge or effective communication of the order, rather than the mechanical timestamp of its upload onto the GST portal.

In practice, assessees often discover adverse orders only when recovery proceedings are initiated or departmental inquiries arrive. Therefore, when drafting an appeal or a condonation of delay (COD) application, professionals must anchor the starting date of limitation to the day the assessee had actual notice of the order, backed by demonstrable facts.

This distinction is critical because appellate authorities being creatures of statute lack the inherent jurisdiction to condone delays beyond the strict four-month window provided under Section 107(4). Moreover, with judicial opinion sharply divided across various High Courts regarding the applicability of Section 5 of the Limitation Act to the GST framework, taxpayers cannot afford to rely on discretionary condonation. Diligence in tracking effective communication remains the safest defense against threshold dismissal.

















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