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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 08.09.2026***

\# **CNR No. DLHC010307512024**

\+ W.P.(C) 7339/2024

KAPIL RAJ ANAND .....Petitioner

Through: Mr. Rajesh Mahna, Mr. Ramanand Roy and Mr. Mayank Kouts, Advs.

versus

GST OFFICER, WARD 109, DELHI .....Respondent

Through: Ms. Vaishali Gupta, PC.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MS. JUSTICE SHAIL JAIN

J U D G M E N T (ORAL)

ANIL KSHETARPAL, J.:

1. Through the present Writ Petition, the Petitioner seeks issuance of a direction to the Respondent to give effect to the Order[1] dated 13.04.2024, which records that the proceedings initiated pursuant to the Show Cause Notice[2] dated 19.12.2023 stand dropped. The proceedings concern the Financial Year 2018-19 and arise under Section 73 of the Central Goods and Services Tax Act, 2017[3].

2. The Portal Order states that the reasons for dropping the proceedings are contained in its Annexure. That Annexure, however, rejects the Petitioner's explanation on one of the four issues examined pursuant to the SCN and quantifies a demand for tax, interest and penalty. The Respondent attributes this inconsistency to an incorrect

[1] Hereinafter referred to as the 'Portal Order'
[2] Hereinafter referred to as the 'SCN'.

selection while generating the order on the GST portal. By a corrigendum[4] dated 28.05.2024, the Respondent clarified that the proceedings had been dropped on three issues and that the demand on the fourth survived.

3. The Petitioner contends that the digitally signed Portal Order must prevail over the unsigned Annexure and that the demand could not thereafter be sustained through a Corrigendum. The question is whether the Portal Order, despite expressly incorporating the Annexure, conclusively establishes that the proceedings stood dropped on all four issues. For the reasons that follow, it does not.

4. The SCN raised four issues concerning reconciliation of outward supplies reported in GSTR-9, differences between GSTR-1 and GSTR-9, eligibility of Input Tax Credit ('ITC') and ITC claimed in respect of suppliers whose registrations had been cancelled or who had defaulted in filing returns or paying tax. The Petitioner submitted its reply and furnished explanations on each issue.

5. The Portal Order is titled "Order for dropping the proceedings under section 73/74". Its operative portion states that "the proceedings are hereby dropped for the reasons and other details stated in the Annexure attached herewith". The document identifies the issuing officer, his designation and jurisdiction. In the left-hand corner of its second page, it also carries a statement that it is a digitally signed document and can be downloaded from the GST portal.

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[3] Hereinafter referred to as the 'CGST Act'
[4] Hereinafter referred to as the 'Corrigendum'

6. The Annexure accompanying the Portal Order is separately headed "ORDER". It sets out the Petitioner's explanations on the issues raised in the SCN. On the fourth issue, it records that the ITC claimed in respect of transactions with M/s Sai Traders and M/s Jain Cement Udyog is inadmissible and upholds the demand against the Petitioner.

7. The Annexure specifies, under each of the CGST and SGST heads, tax of ₹17,00,704/-, interest of ₹17,00,704/- and penalty of ₹1,70,070/-, aggregating to ₹71,42,956/-. It refers to a demand in FORM GST DRC-07 and directs payment within one month, failing which recovery proceedings under Section 79 would follow. The Annexure also concludes with the typed endorsement "Sd/-" above the designation of the issuer "GST OFFICER, WARD-109".

8. When notice was issued in this Writ Petition on 21.05.2024, learned counsel representing the Respondent submitted that the proceedings had been dropped on three of the four issues and that the Portal Order contained an error. It was further stated that the file had already been moved for rectification and issuance of a Corrigendum.

9. The Corrigendum, placed on record by the Respondent as Annexure R-1 to the Counter Affidavit, states that an order dropping the proceedings was inadvertently generated on the GST portal. It clarifies that relief was granted on three issues, while the demand on the fourth issue had been confirmed in the speaking order uploaded as an annexure to the Portal Order. Paragraph 3(iv) states that the inadvertently generated order "may be ignored", while paragraph 3(v)

refers to the Annexure for the detailed reasons and reiterates the tax, interest and penalty quantified therein. The Petitioner disputes the Respondent's authority to sustain the demand through this Corrigendum.

10. Mr. Rajesh Mahna, learned counsel representing the Petitioner, submits that after considering its replies to the Show Cause Notice, the Respondent issued a digitally signed order dropping the proceedings and cannot now sustain a demand by saying that an incorrect option was selected on the GST portal. An adjudication order, it is argued, cannot be divided into parts so that the signed portal-generated document records closure while an unsigned annexure is relied upon to create a demand.

11. Learned counsel further submits that the Annexure containing the demand bears neither a physical nor a digital signature and cannot prevail over the digitally signed Portal Order. Reliance is placed upon ***Marg ERP Limited v. Commissioner of Delhi Goods and Service Tax & Anr.***[5], in support of the submission that an unsigned adjudication order cannot be sustained.

12. Placing particular reliance upon Rule 142(5) of the Central Goods and Services Tax Rules, 2017 ('CGST Rules'), counsel submits that no summary of the demand in FORM GST DRC-07 was issued or made available on the portal. According to the Petitioner, a demand cannot be enforced through an unsigned Annexure when the Portal Order records that the proceedings stand dropped and the

[5] (2023) 112 GSTR 153

prescribed statutory summary has not been made available.

13. The Petitioner also raises an objection concerning limitation. It is contended that the Corrigendum dated 28.05.2024 could not create a demand after expiry of the extended period for adjudication on 30.04.2024. In the Rejoinder, the Petitioner additionally questions the validity of Notification No.56/2023-Central Tax dated 28.12.2023 and, relying upon ***Barkataki Print and Media Services v. Union of India***[6], contends that the period for adjudication had expired on 31.03.2024.

14. *Per contra*, Ms. Vaishali Gupta, learned Panel Counsel representing the Respondent, submits that an inadvertent error occurred while selecting the option during generation of the order on the GST portal and that the demand on the fourth issue survived. Relying upon the Counter Affidavit, she submits that the Annexure was uploaded along with the Portal Order on 13.04.2024 and recorded the actual adjudication. The Corrigendum, according to the Respondent, merely corrected that inconsistency and neither introduced a fresh ground of demand nor altered the liability already quantified.

15. In its Counter Affidavit, the Respondent further states that steps to correct the error were initiated on 15.04.2024 and that a further reference was made to the Goods and Services Tax Network ('GSTN') on 22.05.2024. Neither the note dated 15.04.2024 nor the communication dated 22.05.2024 has been placed on record by the

[6] 2024 SCC OnLine Gau 1557

Respondent. The Respondent nevertheless asserts that the Petitioner's representatives had been informed during the original proceedings that relief on the fourth issue would not be granted.

16. The Respondent accordingly seeks dismissal of the Petition and submits that the Petitioner may challenge the adjudication, including the demand on the fourth issue, by an Appeal under Section 107 of the CGST Act.

17. The statutory scheme distinguishes an adjudication from its electronic summary. Section 73(9) of the CGST Act contemplates determination of the amount payable and issuance of an order, while Section 75(6) requires the order to state the relevant facts and the basis of the decision. Rule 142(5) of the CGST Rules requires a summary of such an order to be uploaded in FORM GST DRC-07.

18. Section 161 of the CGST Act[7] permits the authority which has issued an order to rectify an error apparent on the face of the record.

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[7] **161. Rectification of errors apparent on the face of record.**—Without prejudice to the provisions of section 160, and notwithstanding anything contained in any other provisions of this Act, any authority, who has passed or issued any decision or order or notice or certificate or any other document, may rectify any error which is apparent on the face of record in such decision or order or notice or certificate or any other document, either on its own motion or where such error is brought to its notice by any officer appointed under this Act or an officer appointed under the State Goods and Services Tax Act or an officer appointed under the Union Territory Goods and Services Tax Act or by the affected person within a period of three months from the date of issue of such decision or order or notice or certificate or any other document, as the case may be:

Provided that no such rectification shall be done after a period of six months from the date of issue of such decision or order or notice or certificate or any other document:

Provided further that the said period of six months shall not apply in such cases where the rectification is purely in the nature of correction of a clerical or arithmetical error, arising from any accidental slip or omission:

Provided also that where such rectification adversely affects any person, the principles of natural justice shall be followed by the authority carrying out such rectification.

Where such rectification adversely affects a person, the third proviso requires the principles of natural justice to be followed. Section 160, separately, saves proceedings from certain mistakes, defects or omissions where they are otherwise in substance and effect in conformity with the Act. It does not dispense with the requirements governing an exercise of power under Section 161 of the CGST Act.

19. The Rules also prescribe the procedure following rectification. Rule 142(7) of the CGST Rules requires a summary in FORM GST DRC-08 where an order is rectified under Section 161 or an order uploaded on the system is withdrawn. The description of the corrective instrument as a 'Corrigendum' is, therefore, not decisive. What matters is the nature of the correction and whether it satisfies the governing statutory requirements.

20. The starting point is the order dated 13.04.2024 itself. The Petitioner is correct that an adjudication order cannot be divided into disconnected parts. But that principle also prevents the Portal Order from being read in isolation from the Annexure to which it expressly refers. The document records that the proceedings are dropped "for the reasons and other details stated in the Annexure attached herewith".

21. The Annexure is inconsistent with an unconditional dropping of the entire proceedings. It records reasons for rejecting the Petitioner's case on the fourth issue, upholds the demand on that issue and quantifies the resulting liability against the Petitioner. Read together, the documents therefore disclose an internal contradiction. They do not record an unequivocal acceptance of the Petitioner's case on all

four issues.

22. The Portal Order alone cannot, in these circumstances, be treated as conclusive proof that the entire proceedings stood finally dropped. Nor does the record support the contention that the Annexure was subsequently introduced to create a demand. The Portal Order expressly refers to the Annexure, the Petitioner has produced both documents together as Annexure P-1 in the present Writ Petition and the Respondent has specifically stated on affidavit that they were uploaded together on 13.04.2024. On a consideration of these circumstances, this Court accepts the Respondent's explanation that the Annexure accompanied the original order and formed part of it.

23. The digitally signed Portal Order identifies the issuing officer and expressly adopts the reasons and details contained in the accompanying Annexure. The Annexure concludes with "Sd/-" above the designation of the GST Officer, Ward-109. In these circumstances, the Annexure cannot be treated as an independent unsigned order requiring separate authentication. It stood incorporated and adopted as part of the digitally authenticated Portal Order. The objection that the demand contained in the Annexure is unenforceable merely for want of a separate signature on that document is, therefore, rejected.

24. In ***Marg ERP Limited*** *(supra)*, the impugned order was concededly unsigned. In the present case, the digitally signed Portal Order expressly incorporates the Annexure containing the reasons and determination. The objection in the present case therefore cannot be decided by treating the Annexure as a standalone unsigned

adjudication order.

25. The Corrigendum raises the next question. Section 161 of the CGST Act permits the record to be corrected so that it reflects the decision actually taken. It cannot be used to reconsider the merits or to create, under the guise of rectification, an adjudication which had not earlier been made. The existence of a corrective power is therefore not in doubt. The question is what was corrected.

26. The error is apparent from the order itself. Its incorporated Annexure expressly rejects the Petitioner’s case on the fourth issue and quantifies the resulting demand, while the Portal Order records that the proceedings stand dropped. The two cannot be reconciled. Read as a whole, the composite order dated 13.04.2024 shows that the fourth issue was decided against the Petitioner. The Respondent’s explanation that the contradiction resulted from an incorrect portal selection is accepted as the error is apparent on the face of the order. Correcting that recital requires no reconsideration of the evidence or of the Petitioner’s entitlement to ITC.

27. The Corrigendum does exactly that. It preserves the relief on the first three issues and repeats the findings and amounts already recorded on the fourth. It neither supplements the reasons for disallowance nor enlarges the demand. The correction therefore makes the Portal Order conform to the determination issued on 13.04.2024 and falls within Section 161. This conclusion follows from the original order and the Corrigendum. It does not depend upon the contents of the unproduced departmental note or GSTN

communication.

28. The record does not disclose a further hearing before issuance of the Corrigendum. The third proviso to Section 161 requires observance of the principles of natural justice where the rectification adversely affects a person. Whether it does so must be determined by comparing the effect of the rectification with the position under the original order. In the present case, the composite order had already rejected the Petitioner's case on the fourth issue and quantified the resulting liability. The Corrigendum neither withdraws any relief granted by that order nor enlarges the demand. It merely corrects the inconsistent portal statement. The rectification therefore did not adversely alter the Petitioner's position under the original adjudication so as to attract the third proviso to Section 161 of the CGST Act.

29. The Corrigendum was issued on 28.05.2024, forty-five days after the order dated 13.04.2024 and within the six-month prescribed period as provided under Section 161 of the CGST Act. Once the Corrigendum is found to be a rectification of the original order, rather than a fresh adjudication, the expiry of the period for completing the original adjudication on 30.04.2024 does not render the subsequent correction invalid. The Corrigendum must instead satisfy the requirements and time limits prescribed under Section 161, which it does.

30. The Petitioner has also relied upon ***Barkataki Print and Media Services*** *(supra)*, in which the Gauhati High Court held Notification No. 56/2023-Central Tax dated 28.12.2023 to be ultra vires Section

168A of the CGST Act. On that basis, it is contended that the period for adjudication had expired on 31.03.2024. The present Petition, however, proceeded on the premise that the said Notification extended the period until 30.04.2024 and sought no relief against it. The challenge to its validity was raised by the Petitioner only subsequently in the Rejoinder. In these circumstances, this Court does not consider it appropriate to examine the validity of the Notification in the present proceedings. Any other question of limitation falling within the jurisdiction of the Appellate Authority shall remain open for consideration in accordance with law.

31. The objection concerning FORM GST DRC-07 must also be kept distinct from the adjudication. In ***Rishi Enterprises v. Additional Commissioner, Central Tax, Delhi North***, W.P.(C) 4374/2025, decided on 20.08.2025, this Court held that FORM GST DRC-07 is a summary of the adjudication order and its subsequent uploading does not render an otherwise timely issued order barred by limitation. It was also observed that DRC-07 ought to accompany the order or be uploaded within a reasonable time, since without it no Appeal can be filed and no demand can be enforced.

32. In the present case, the Annexure itself states that the demand was created in FORM GST DRC-07. The Petitioner asserts that no such form was issued or made available on the portal. The material before this Court does not establish the present portal position. No conclusive finding on that factual aspect is therefore required. The conclusion concerning the validity of the Corrigendum does not dispense with compliance with Rule 142. The prescribed statutory

summaries must, if not already available, be uploaded and made available in terms of the directions which follow.

33. The objections concerning authentication and the Corrigendum have thus been determined in the present proceedings. The Corrigendum is sustained as a rectification under Section 161 of the inconsistent recital in the Portal Order. What remains for consideration are the merits of the demand on the fourth issue and any surviving question of limitation falling within the jurisdiction of the Appellate Authority. Those matters can be effectively examined in the statutory Appeal.

34. Section 107(11) of the CGST Act empowers the Appellate Authority, after making such further inquiry as may be necessary, to confirm, modify or annul the decision or order under Appeal. Subject to the findings returned in this Judgment, the remaining questions can therefore be effectively examined in Appeal.

35. Since the present Writ Petition has remained pending before this Court and the inconsistency in the Portal Order, followed by the subsequent Corrigendum, has itself given rise to the present proceedings, the Petitioner ought not to be prejudiced in availing the statutory remedy. It is therefore appropriate to afford the Petitioner a reasonable period to prefer the Appeal, with protection against rejection on the ground of limitation.

36. Accordingly, the Respondent shall, within two weeks from today, furnish to the Petitioner a complete copy of the order dated 13.04.2024, including its Annexure, together with the Corrigendum

dated 28.05.2024. The copies shall be certified as true copies of the documents existing in the official record. Copies of any document upon which the Respondent proposes to rely and which is not already available to the Petitioner shall be furnished to the Petitioner, who shall be afforded an opportunity to respond.

37. If FORM GST DRC-07 corresponding to the order dated 13.04.2024 is not already available to the Petitioner, the Respondent shall ensure that it is uploaded and made available within the same period. The corresponding summary in FORM GST DRC-08 reflecting the rectification made by the Corrigendum dated 28.05.2024 shall likewise be uploaded and made available within that period, if not already available.

38. If so advised, the Petitioner may prefer an Appeal under Section 107 of the CGST Act against the order dated 13.04.2024, including its Annexure, read with the Corrigendum dated 28.05.2024. The Appeal may be filed within four weeks from the later of the date on which the documents directed in paragraph 36 are communicated and the date on which the applicable statutory summaries directed in paragraph 37 are made available. If filed within that period along with the requisite statutory pre-deposit, the Appeal shall be entertained and decided on merits without being rejected on the ground of limitation.

39. Subject to the findings returned in this order, the Appellate Authority shall independently consider the merits of the disputed demand and any surviving objection concerning limitation which falls within its jurisdiction, after affording an opportunity of hearing to the

Petitioner. In considering any such limitation plea, the Appellate Authority shall apply the statutory framework and the binding judicial decisions governing the proceedings. Nothing in this order shall be understood as remitting to the Appellate Authority any challenge to the validity of Notification No.56/2023-Central Tax.

40. The directions for certification and uploading are intended to facilitate the statutory Appeal and do not authorise a fresh assessment. The findings concerning authentication and rectification shall govern the Appeal. The merits of the demand and any surviving question of limitation remain open only to the extent indicated in paragraph 39 above.

41. Recovery of the disputed demand shall remain in abeyance until expiry of the period afforded in paragraph 38 for filing the Appeal. If the Appeal is filed within that period along with the requisite statutory pre-deposit, further recovery shall be governed by Section 107(7) of the CGST Act.

42. With the aforesaid observations and subject to the directions contained above, the present Writ Petition is dismissed.

ANIL KSHETARPAL, J.

SHAIL JAIN, J.

SEPTEMBER 8, 2026
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