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

Reserved on: 19th November, 2026

Pronounced on: 26th November, 2026

Date of Uploading: 26th November, 2026

\# **CNR No. DLHC014743542018**

\+ W.P.(C) 12875/2018

I.I.L.M. INSTITUTE FOR HIGHER EDUCATION
HAVING OFFICE AT:
PLOT NO. 69-71, SECTOR.53,
GURGAON, HARYANA .....**PETITIONER**

Through: Mr. Vierat K. Anand, Adv. with Mr.Kumar Shashank, Mr. Harish Nadda, Mr. Vikalp Singh, Ms. Swati Kwatra and Ms. Shaivika Agrawal, Advs.

versus

1 . PRINCIPAL COMMISSIONER,
CENTRAL GOODS AND SERVICES TAX,
HAVING OFFICE AT:
GURUGRAM COMMISSIONERATE,
PLOT NO. 36-37, SECTOR 32,
GURUGRAM- 122001 **....RESPONDENT NO.1**

2. PRINCIPAL COMMIS SIONER,
CENTRAL GOODS AND SERVICES TAX,
ADJUDICATION,
HAVING OFFICE AT:
GURUGRAM COMMISSIONERATE,
PLOT NO. 36-37, SECTOR 32,
GURUGRAM-122001 **....RESPONDENT NO.2**

Through: Ms. Arunima Dwivedi, CGSC with Ms. Himanshi Singh, Ms. Monalisha Pradhan and Mr. Suman Ghosh, Advs.

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CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

RAVINDER DUDEJA, J.

CM APPL. 65113/2024 in W.P.(C) 12875/2018

1. This is an application filed on behalf of the applicant/petitioner seeking recall of the order dated 09th September, 2024 passed by this Court in W.P.(C) 12875/2018, whereby the petition filed by the petitioner was dismissed.

2. The main contention of the learned counsel for the petitioner is that the writ petition was dismissed without hearing the petitioner as reasonable opportunity was not offered.

3. The learned counsel submits that on 06th September, 2024, the learned counsel for the respondent sent an adjournment request through email on the ground that he would be out of station from 08th September, 2024 to 12th September, 2024. The petitioner did not raise any objection to the request so made and therefore, the counsel sent an email dated 07th September, 2024 expressing his 'no objection' (NOC) to the adjournment sought by the respondent.

4. It is further submitted that on the date of hearing, that is, 09th September, 2024, the petitioner did not raise any objection to the adjournment sought by the respondent, however, the Court without providing an opportunity to the petitioner of being heard, decided the writ petition on merits. It is argued that the principals of natural justice were not followed in passing the order dated 09th September, 2024 and

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therefore, the same is liable to be set aside and consequently the petition be revived for disposal on merits after hearing arguments from both sides.

5. The learned counsel for the respondent has opposed the application arguing that the writ petition was disposed of after hearing arguments from the proxy counsel present on that day and therefore, the order has been passed on the merits of the case, after considering submissions from both the sides. Thus, there is no ground for recall of order dated 09th September, 2024.

6. Along with the present application, the petitioner has also placed on record the copy of the email dated 06th September, 2024 wherein the 'NOC' was requested from petitioner's counsel for the adjournment sought by the arguing counsel for the respondent. He has also placed on record the copy of the email dated 07th September, 2024 by which the petitioner's counsel gave his no objection for the adjournment. Thus, admittedly as per understanding between the parties, the respondent was to seek consent adjournment from the Court on date fixed, that is, 09th September, 2024.

7. Perusal of the order dated 09th September, 2024 reveals that the arguing counsels were not present and in fact, the proxy counsels appeared to represent them. The order neither records nor deals with the submissions, if any, addressed by the proxy counsels and seems to have been passed only on the basis of the record.

8. That being so, we find that the order dated 09th September, 2024 was passed without granting an opportunity of hearing to the parties and therefore, the application is allowed and the order dated 09th

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September, 2024 is recalled and petition is revived for hearing the matter afresh.

9. List the main petition before the Roster Bench on 04th December, 2026.

RAVINDER DUDEJA, J

NITIN WASUDEO SAMBRE, ACJ

NOVEMBER 26, 2026/*lks/sk*

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