

HC: Extension of Time for GST Notices under Section 73 Held Ultra Vires

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REFER THE DECISION OF THE HON'BLE MADRAS HIGH COURT IN THE CASE OF

Tata Play Ltd. vs. Union of India Citation: (2025) 32 Centax 318 (Mad.)

FACTS:

The petitioner, Tata Play Ltd., challenged Notification Nos. 09/2023 and 56/2023 issued under Section 168A of the CGST Act, which extended the time limits for issuance of notice and passing of orders under Section 73(2) and Section 73(10) for FY 2017-18, 2018-19, and 2019-20.

The notifications extended the limitation periods as follows:

FY 2017-18: up to 31.12.2023
FY 2018-19: up to 30.04.2024
FY 2019-20: up to 31.08.2024

The petitioner argued that these extensions were illegal and beyond the powers under Section 168A, as the Supreme Court in In Re: Cognizance for Extension of Limitation (2022) had only excluded the period 15.03.2020 to 28.02.2022 due to COVID-19.

It was contended that the government could not extend the limitation period beyond what was provided by the Apex Court.

Hon'ble High Court Judgement:

The Madras High Court held that Notification Nos. 09/2023 and 56/2023 were ultra vires and illegal, as they unlawfully extended the limitation period for issuing notices/orders under Section 73 for the given financial years.

The court observed that Section 168A cannot be used to extend limitation beyond the period excluded by the Supreme Court's COVID orders.

Consequently, all proceedings initiated beyond the legally permissible period were liable to be quashed.