

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP 35577/2019

Date of decision:16.12.2019

M/s R.B.Enterprises.

.....Petitioner

v.

Union of India and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Sant Parkash**

Present:- Mr.Rishab Singla,Advocate for the petitioner.

Mr.Sharan Sethi,Sr.Standing Counsel for respondents/
Revenue.

Jaswant Singh,J(Oral).

The petitioner, a proprietorship concern, is engaged in the resale of Batteries, Tyres,Tubes and Auto parts. It is registered under the Goods and Service Tax Act, 2017. Prior to the introduction of Goods and Service Tax Act, the petitioner was registered under the provisions of Punjab VAT Act, 2005.

Grievance of the petitioner is that it could not upload the details of un-utilized Input Tax Credit (in short 'ITC') as per the accounts books to the electronically generated statutory Form "TRAN-I",, which was the requirement under the GST regime for availing the benefit of the previous un-utilized ITC accrued under the Taxing Statutes.

Counsel for the petitioner submits that the issue stands

decided by this Court, vide judgment dated 04.11.2019, passed in **CWP 30949 of 2018** titled “**Adfert Technologies Pvt.Ltd. Versus Union of India and others**” in favour of the Assesseees, hence the petitioner-Company is also entitled to relief in the same terms.

Notice of motion was issued for today.

Mr. Sharan Sethi Counsel for the respondents/Revenue concedes that the issue raised in the present petition is squarely covered by the aforesaid judgment dated **04.11.2019**, passed in **Adfert Technologies case (supra)**, therefore, the present petition is liable to be disposed of in terms of the said case.

In view of above, present petition is allowed in terms of the said **CWP No.30949 of 2018** decided on **04.11.2019** with permission/modification to file the said Statutory Form TRAN-I by 31.12.2019.

It is clarified that in case the petitioner is hampered in any manner from availing the benefit of aforesaid judgment, due to non opening of the Portal by the Respondents, then the petitioner shall be permitted, in the alternative to claim the benefit of unutilized credit in their GST-3B Forms to be filed for the month of January,2020 either electronically or manually.

No order as to costs.

(Jaswant Singh)
Judge

16.12.2019.
joshi

(Sant Parkash)
Judge