

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

CWP 36675/2019
Date of decision:20.12.2019

Etrade Marketing Private Limited.

.....Petitioner

v.

Central Board of Indirect Taxes and Customs and others

.....Respondents

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

Present:- Mr. Deepak Gupta,Advocate for the petitioner.

Mr. Anshuman Chopra, Advocate for respondents 1 and 2

Ms.Mamta Singla Talwar, DAG Haryana for respondent 3

Jaswant Singh,J(Oral).

The petitioner, a Private Limited Company, is engaged in business of trading of mobiles, laptops, tablets and accessories and other electronic devices. 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 Finance Act,1994.

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 raised

herein already 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.

Learned counsel for the parties concede 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.

It is conveyed that the date for filing annual returns has been extended from 31.12.2019 to 31.1.2020.

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 31.01.2020.

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 February,2020 either electronically or manually.

No order as to costs.

(Jaswant Singh)
Judge

20.12.2019.
joshi

(Sant Parkash)
Judge