135 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:097211-DB

CWP-18007-2024 (O&M)
Date of Decision: 31.07.2024

State of Punjab ...Petitioner

Vs.

M/s Harish Steel and another ...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJAY VASHISTH

Present Mr. Bhuvnesh Satija, DAG, Punjab.

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SANJEEV PRAKASH SHARMA, J.(Oral)

1. The State is in appeal against the order passed by the Deputy Commissioner, State Tax (Appeals), Patiala Division, Patiala, whereby it has allowed the appeal under Section 107 (1) of the Punjab Goods and Services Tax Act, 2017 and set aside the penalty and fine imposed on the respondents.

2. The petitioner has challenged the order submitting that the vehicle was seized and order in Form GST MOV-02 was served upon the respondents as prima-facie the documents tendered were found to be defective and the genuineness of the goods in transit and tendered documents required further verification and corresponding purchase was required to be verified. It is their case that on verification, the documents were not found to be genuine and, therefore, the penalty and fine was imposed on the respondents.

3. Learned counsel for the petitioner submits that the Appellate Authority has fallen in error in reaching to the conclusions otherwise.

4. We have carefully considered the submissions and have gone through the documents placed before us in this petition and we find that the

Appellate Authority has reached to a factual finding that the transaction was duly covered by proper and genuine invoice/e-way bill etc. It also reached to the conclusion that the respondents cannot be denied input tax credit on the basis of verification and nil inwards supply of the selling dealers as the immediate selling dealer has disclosed the sale to be of the respondents and had availed an ITC on the purchases shown from the lengthy chain of selling dealers.

5. Thus, on facts, we find that the Appellate Authority has on the basis of finding of fact reached to the conclusion in allowing the appeal. This Court in writ petition has limited scope of interference with *quasi judicial orders* as it essentially performs its function under Article 227 of the Constitution of India and merely because there can be two opinions which can be formed from the documents placed before us, we would not interfere with a just, right and reasoned order passed by the *quasi judicial authority*. The writ petition is, therefore, found to be without merit and is dismissed accordingly.

6. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SANJAY VASHISTH)
JUDGE

31.07.2024
rajesh

1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No