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CWP-31911-2024
Decided on : 27.11.2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

M/s Kissan Beej Kendra

... Petitioner(s)

Versus

Union of India and others

... Respondent(s)

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

PRESENT: Mr. Peyush Pruthi, Advocate
for the petitioner(s).

Ms. Pridhi Sandhu, Sr. Standing Counsel
for respondents No.1, 3 & 4 – UOI.

Ms. Mamta Singla Talwar, DAG, Haryana
for respondent No.2.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Notice of motion.
2. Ms. Pridhi Sandhu, Sr. Standing Counsel, accepts notice on behalf of respondents No.1, 3 & 4, while Ms. Mamta Singla Talwar, DAG, Haryana, accepts notice on behalf of respondent No.2.
3. The only ground on which appeal of the petitioner was rejected was failure to provide the self certified copy of the order against which appeal was filed. In the opinion of this Court, such appeal can only be treated as defected and could not have been dismissed. Opportunity ought to have been given to the appellant (petitioner herein), to remove the defect.

Learned counsel for the respondents are present and we appreciate their stand stating that if the petitioner submits a self certified



copy of the order against which appeal is filed, the appeal shall be decided on merits.

4. We, accordingly, allow the present writ petition and set-aside the order dated 25.10.2024 (P-4) passed by the Additional Commissioner, CGST Appeals, Panchkula, dismissing the appeal on the ground of non submission of self certified copy of the order. We also further direct the petitioner to file a self certified copy of the order before the Appellate Authority within a period of 15 days henceforth. If such self certified copy of the order is filed by the petitioner, the appeal shall be restored and be decided on merits by the Appellate Authority expeditiously preferably within a period of two months therefrom.

5. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SANJAY VASHISTH)
JUDGE

November 27, 2024

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*