

Luxmi Traders v. Union Territory of Chandigarh and Others

Case number: CWP-27139-2025 (O&M), lead case, with 41 connected writ petitions

Citation: 2026:PHHC:099329-DB

Decision date: 21 July 2026

GST portal-only service, actual communication and appeal limitation; qualified relief under Sections 146, 169 and 160(2)

Court: Punjab and Haryana High Court, Chandigarh

Bench: Hon'ble Acting Chief Justice Ashwani Kumar Mishra and Hon'ble Mr. Justice Rohit Kapoor

Decision stage: Final common disposal of 42 writ petitions with category-specific restoration or appellate relief; tax merits and the Section 168A notification challenge left undecided.

01 Facts of case and issues

The common issue across 42 writ petitions was whether uploading a show-cause notice or order-in-original under the GST portal's Additional Notices and Orders facility constituted service, and whether that upload started the Section 107 appeal period.

In the lead case, Luxmi Traders, a Chandigarh proprietorship, challenged an order-in-original dated 28 December 2023. Scrutiny of FY 2017–18 returns led to an ASMT-10 notice dated 29 August 2023, followed by a Section 73 DRC-01 notice dated 27 September 2023. The petitioner said the notices and order were merely uploaded, without effective communication or an identified hearing date, time and venue. The scrutiny discussion includes credit notes of Rs. 20,99,199; that is not a finding of the final tax demand. In connected cases, appeals had been rejected as time-barred.

The separate challenge to the notification dated 31 March 2023 issued under Section 168A was expressly left open.

Pinpoint: Caption, physical pp. 1–4; paragraphs 1–3, physical pp. 6–7; paragraphs 5–12, physical pp. 7–10.

02 Discussion by Hon'ble Court

Revenue relied on the alternative service methods in Section 169(1)(c) and (d), Section 146, Rule 142 and the strict appeal timetable. It said the portal tabs had been made visible side by side in January 2024 and opposed reopening adjudications already contested on merits.

The Court read Section 169 with Section 146, the definition of prescribed in Section 2(87), and the portal notifications produced before it. It held that the notified purposes did not establish the portal as a mode for serving notices and orders. It also distinguished an email containing the actual notice or order from a bare alert that a document had been uploaded. On its reading, the deeming provisions in Section 169(2) and (3) did not establish deemed receipt through the email and portal clauses. These are the Court's interpretations; Section 169(1)(d) itself expressly lists making a communication available on the common portal.

The judgment also relied on the difficulty of locating documents through nested portal tabs and the resulting denial of an effective opportunity to respond. Its comments on dashboard alerts, pop-ups, SMS and OTP safeguards concern meaningful notice; this review does not verify implementation of those changes.

02 Discussion by Hon'ble Court

The qualification is essential. Applying Section 160(2), the Court held that a taxpayer who answered the notice and contested adjudication could not reopen that adjudication merely because the notice had been uploaded. Receipt acknowledged, action taken and an earlier failure to object matter. Communication of the eventual order for appeal limitation remained a separate question.

Two days later, the same Bench in The Amar Coop LC Society Ltd. expressly considered Finance Act 2022 Section 115 and the retrospective Fifth Schedule amendment omitted from the original discussion. It declined to depart from Luxmi Traders: paragraphs 10–11 retained the distinction between prescribed portal functions and formal service, also relying on the practical notice problem. The original notification reasoning must therefore be read with that later primary clarification.

Pinpoint: Paragraphs 13–17, physical pp. 10–12; paragraphs 20–32, physical pp. 13–21; paragraphs 36–56, physical pp. 25–32; paragraphs 57–59, physical pp. 32–33. Amar, CWP-15601-2026, 23 July 2026, paragraphs 4–13, physical pp. 2–5.

03 Judicial decision and operative relief

Paragraph 60 gives five distinct directions:

- (i) Mere portal upload of a show-cause notice was insufficient unless its receipt was acknowledged or a reply was filed.
- (ii) Where a portal-only notice received no reply and an ex parte order followed, the matter was restored to the notice stage. The taxpayer could reply within four weeks from the judgment; the authority would then proceed after a hearing.
- (iii) Where adjudication was contested but the resulting order was only uploaded, the appeal period had not commenced on that basis. An appeal could be filed within four weeks from the judgment.
- (iv) Where an appeal against a portal-only order had been dismissed as time-barred, the appellate order was set aside and the original appeal restored for decision on merits.
- (v) Where a portal-only notice received no reply, an ex parte order followed and the appeal was dismissed for delay, both the adjudication and appellate orders were set aside. The matter returned to the notice stage, with four weeks to reply followed by a hearing.

All 42 writ petitions and pending applications were disposed of on those terms. These directions do not cancel every demand on its merits or invalidate every form of electronic service. The four-week periods ran from 21 July 2026 for the covered matters; they are not a new general window available from this note's review date.

Pinpoint: Paragraph 60(i)–(v), physical pp. 33–34; paragraphs 61–63, physical pp. 34–35; qualification at paragraphs 57–59, physical pp. 32–33.

04 In favour of

Taxpayers on effective service, hearing and access to appeal, subject to acknowledgment, participation and Section 160(2). Revenue retains the right to adjudicate or defend the demands on merits.

Procedural restoration and appellate relief according to the applicable category, without a final decision on the underlying tax liability. The judgment does not provide a case-by-case allocation of all 42 writs among the five categories. Subsequent compliance, fresh adjudications and individual appeal outcomes were not verified.

Pinpoint: Paragraphs 57–63, physical pp. 32–35; Section 168A issue reserved at paragraph 3, physical p. 7.

05 AKHB REVIEW POINT

AKHB analysis: Preserve the full notice and order, portal-upload history, email body and attachments, acknowledgment records, replies and hearing records. Analyse service of the notice separately from communication of the final order. Match the facts to the exact paragraph 60 category before seeking restoration; participation or an unraised service objection may engage Section 160(2).

Continue monitoring the portal and act promptly on actual knowledge. Do not treat this decision as permission to ignore uploads, as unlimited condonation under Section 107, or as a nationwide final settlement of portal service. Read Amar's consideration of the retrospective 2022 amendment alongside Luxmi. The related Supreme Court proceedings in Bambino and Sri Balaji require separate attention; they do not establish a stay of this judgment.

Pinpoint: AKHB commentary based on paragraphs 30–32, 57–60; Amar paragraphs 4–13; the precisely identified Supreme Court orders below. Recommendations are distinct from the holding.

Sources and limitations

Relevant provisions

CGST Act 2017: Sections 2(87), 61, 73, 75(4), 107, 146, 160(2) and 169(1)(c)–(d), (2)–(3); CGST Rules 2017: Rule 142. Section 168A challenge expressly reserved. Finance Act 2022: Section 115 and Fifth Schedule, addressed in the later Amar decision.

Statutory note

Checked 13 October 2026. The official CBIC Act compilation as at 1 January 2022 and the India Code Act text as at 11 June 2026 were checked at the material service and appeal provisions. Section 107(1) gives three months from communication, with a further month on sufficient cause under subsection (4). Section 169 lists alternative methods, including registered email and the common portal; Section 160(2) limits later service objections where the communication has been acted upon or service was not questioned in the relevant earlier proceedings.

The CBIC Rules compilation as at 1 January 2022, physical pp. 163–164, distinguishes service of the notice with an electronic DRC-01 summary under Rule 142(1) from electronic upload of an order summary in DRC-07 under Rule 142(5). This historical compilation is not a complete audit of all later Rules amendments or every State enactment.

Finance Act 2022 Section 115 retrospectively amends G.S.R. 58(E), dated 23 January 2018. Amar reproduces the Fifth Schedule at paragraph 5: it adds all functions under the CGST Rules, subject to the exception for G.S.R. 925(E), dated 13 December 2019, with effect from 22 June 2017. The GST Council-hosted Gazette excerpt independently confirms Section 115 and the 30 March 2022 assent. Section 1(2)(b)'s deferred-commencement range is Sections 100–114, not Section 115; the schedule's retrospective effective date is distinct. The full eGazette PDF could not be accessed, so the exact Fifth Schedule was verified through its reproduction in the official Amar judgment, not through a separately obtained original schedule.

Treatment note

Checked 13 October 2026. The complete official six-page Amar judgment, CWP-15601-2026 (O&M), 2026:PHHC:101352-DB, dated 23 July 2026, was obtained through eCourts and fully read and visually inspected. It expressly considers Section 115 and the Fifth Schedule, declines a different view in paragraphs 10–11 and disposes of the petition in Luxmi terms. Its additional paragraph 14 directions concerning an already-paid 10% pre-deposit, recovery and bank attachment belong to Amar, not to the Luxmi operative order.

In the related but different case State of Uttar Pradesh v. M/s Bambino Agro Industries Ltd., Diary 11683/2026, registered as SLP(C) 21142/2026, the official Supreme Court order of 29 May 2026 stayed the impugned Allahabad order dated 19 December 2025 in Writ Tax 2707/2025 until the next hearing. The 15 July 2026 Registrar order deals with service, counter-affidavit and listing. In Sri Balaji Metallics, SLP(C) 22223/2026, the orders of 2 and 27 July concern notice and listing; the 19 August 2026 order tags that case with Bambino. The official docket identified these main and tagged orders. Those materials do not certify the present duration of interim protection and do not constitute a stay or reversal of Luxmi.

Bounded party-name, case-number, neutral-citation, review, appeal and stay searches, including official court domains, did not verify a direct Luxmi appellate or review order changing the result. Secondary reports were leads, not authority for this note. Other later following-case reports and all jurisdictional conflicts were not exhaustively authenticated. No comprehensive registry or citator clearance, or current implementation assurance, is claimed.

Scope of source review

All 35 original physical pages were completely read and individually viewed, including all 42 caption identities and all five relief categories. All six Amar pages and all five identified Supreme Court order pages were likewise read and individually viewed. Statutes and the cited Khereshwar decision were checked at identified provisions or passages; a whole-statute review is not claimed. The underlying notices, adjudication records, emails, portal logs and later compliance records were not separately obtained.

Source notes

The caption states reserved on 8 July 2026 and pronounced/uploaded on 21 July 2026; the final signatures also bear 21 July 2026. The retained listing metadata's 27 January 2026 date conflicts with the judgment and is not used as the decision date. The original collection index remains unchanged.

Paragraph 21 apparently mislabels the portal clause as Section 169(1)(b); the reproduced statute and paragraphs 37–38 correctly identify subsection (d). Amar paragraph 8 records a petitioner submission referring to Rule 145(5), whereas paragraph 7 discusses Rule 142; the note relies on the Court's later reasoning rather than silently correcting that submission.

A direct fresh endpoint request initially returned a short HTML no-upload message. A later official browser-session download succeeded. The fresh and retained PDFs have identical extracted text on all 35 pages; the 68 differing bytes are confined to generated CreationDate/ModDate metadata and trailer IDs. The original source hash above is preserved. Neither this regeneration nor the initial access failure indicates a judicial modification. Cryptographic signature validation is not claimed.

Primary source

Source description: Complete retained 35-page official common judgment, freshly recovered through the official eCourts browser route on 13 October 2026; the fresh copy differs only in generated PDF timestamps and trailer IDs.

Official source: [Open source document](#)

Source pages: 35

Judgment author: Ashwani Kumar Mishra, Acting Chief Justice

Outcome type: qualified service ruling and category specific restoration

Additional source

The Amar Coop LC Society Ltd. v. State of Haryana and Others, official eCourts judgment, 23 July 2026

Official source: [Open source document](#)

Pinpoint: CWP-15601-2026 (O&M), 2026:PHHC:101352-DB; paragraphs 4–6, physical pp. 2–3; paragraphs 10–15, physical pp. 5–6. Complete six-page primary source checked.

CBIC CGST Act compilation as at 1 January 2022

Official source: [Open source document](#)

Pinpoint: Physical pp. 16, 131, 183, 189–190 and 193–194: Sections 2(87), 107, 146, 160 and 169. Historical targeted text.

India Code CGST Act text as at 11 June 2026

Official source: [Open source document](#)

Pinpoint: Physical pp. 85–86, 115, 120 and 122: Sections 107, 146, 160 and 169; targeted web-accessible official text, checked 13 October 2026.

CBIC CGST Rules compilation as at 1 January 2022

Official source: [Open source document](#)

Pinpoint: Physical pp. 163–164, printed pp. 160–161: Rule 142(1), (4)–(7); historical compilation, not a complete later-amendment audit.

Finance Act 2022, GST Council-hosted Gazette excerpt

Official source: [Open source document](#)

Pinpoint: Physical p. 1: assent and Section 1; physical p. 6, Gazette p. 65: Section 115. Eight-page excerpt omits the Fifth Schedule.

Notification 69/2019–Central Tax, 13 December 2019

Official source: [Open source document](#)

Pinpoint: Single page: invoice-registration portals under Section 146 read with Rule 48(4); effective 1 January 2020. Relevant exception identified in Amar’s schedule quotation.

Supreme Court, Bambino Agro, order dated 29 May 2026

Official source: [Open source document](#)

Pinpoint: Single-page ROP, paragraph 3; stay of the identified Allahabad order until the next hearing, not a Luxmi stay.

Supreme Court, Bambino Agro, Registrar order dated 15 July 2026

Official source: [Open source document](#)

Pinpoint: Single-page ROP: service, counter-affidavit by 29 July and processing for listing; no express adjudication of stay duration.

Supreme Court, Sri Balaji Metallics, order dated 19 August 2026

Official source: [Open source document](#)

Pinpoint: Single-page ROP tagging SLP(C) 22223/2026 with SLP(C) 21142/2026; no merits ruling.

Supreme Court official case status, Bambino Diary 11683/2026

Official source: [Open source document](#)

Pinpoint: Diary 11683, year 2026; identity and five displayed main/tagged orders checked in the official cloud browser on 13 October 2026. A dated snapshot, not certification of current disposal or interim-protection status.

Shri Khereshwar Mahadev Va Dauji Maharaj Samiti, Aligarh v. State of Uttar Pradesh, 2025 INSC 362

Official source: [Open source document](#)

Pinpoint: Paragraph 15, physical pp. 5–6; cited by Luxmi paragraph 46 for compliance with a statutorily prescribed manner. Non-GST dispute; not a Supreme Court ruling on GST portal service.

Disclosures and source rights

AI disclosure: Prepared with AI assistance from the complete official judgments and identified primary sources. No human legal review is claimed.

General disclaimer: For professional information only; not legal advice. Read the full judgments and period-specific law, verify current appellate orders and obtain case-specific professional advice before acting.

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Source checked: 13 October 2026

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