

HC: Copy of Gujarat HC judgment holding that omission of Rule 96(10) nullifies all pending proceedings

Jun 13, 2025

Addwrap Packaging Pvt. Ltd. & Anr. vs UOI & ors [TS-525-HC(GUJ)-2025-GST]

Conclusion

In a 296 pager landmark judgment concerning challenge against vires of Rule 96(10) of the CGST Rules, Gujarat HC categorically states that Notification No.20/2024, which notified Rule 96(10) omission vide CGST Amendment Rules, 2024, effective from October 8, 2024, would be applicable to all the pending matters before the Court; States *"the recommendations of the GST Council to omit Rule 96(10) prospectively would apply to all the pending proceedings and cases"* and *"no further proceedings are required to be carried forward"*; Employs Sections 6, 6A and 24 of the General Clauses Act, vis-a-vis the repeal or omission, to determine whether Notification No.20/2024 would be applicable to the pending proceedings; Also, refers to SC verdicts in Rayala Corporation, and Fibre Boards, to cull out that the effect of repealing a statute is to obliterate it completely from Parliament's record as if it never passed, and in this light, *"omission of Rule 96(10) with effect from 8th October, 2024, would amount to repeal without any saving clause"*; Rejects Revenue's contention that all assesseees who filed the petitions, cannot be said to be *"pending proceedings"*, on ground that assesseees have also challenged the SCN as well as the original orders rejecting their refund claims by invoking Rule 96(10); Remarks *"these petitions are nothing but pending proceedings before the Court which has not achieved finality when the Notification No.20/2024 came into force with effect from 8th October, 2024."*; However, rejects Assessee's contention that omission vide the said Notification is retrospective, in view that *"If the omission of Rule 96(10) is to be applied with retrospective effect, the Rules,2024 would have stipulated but even the GST Council has recommended omission of Rule 96(10) with prospective effect. Such recommendation is binding upon the Government."*; Elaborates that in the Amendment Rules, 2024, whenever amendment in various rules is to come into effect from a particular date, such date is mentioned in rules, whereas in case of amendment of Rule 96(10) by Rule 10 of Notification, no such effective date is provided, and in which case, Rule 10 would come into effect from October 8, 2024; Hence, conclusively, holds that *"as Rule 96(10) would not be applicable to the pending proceedings, in view of omission of Rule 96(10) by Notification No.20/2024 with effect from 8th October, 2024, the question of challenge to the vires and validity of rule 96(10) is not required to be considered at this stage"*:HC GUJ

Decision Summary

The judgment was delivered by Justice Bhargav D. Karia and Justice D N Ray.

Sr. Advocate V.Sridharan alongwith Advocates Anand Nainawati, Sahil Parghi, Ashish K.Vadodaria, Uchit Sheth, Paresh Dave, Amal Dave, Dhaval Shah, Parth Rachh, Aditya Tripathi, Abhishek Rastogi, Jatin Arora, Bharat Raichandani, Rashi Chopra, Love Sharma, Anshul Jain, Rithik Jain, and Hiren J. Trivedi appeared on behalf of Assesseees, whereas Revenue was represented by ASG Mr. Devang Vyas alongwith Advocates Siddharth Dave, Utkarsh Sharma, C.B.Gupta, Chirayu Mehta, Mr. Parth Divyeshwar, Hetvi Sancheti, Deepak Khemchandani, and Param Shah.

GSTsutra Note

Pursuant to [flash reported today](#), a copy of 296 pager judgment is now available to read/download.

Case Law Information

Appellant/Applicant/Complainant Name

- Addwrap Packaging Pvt. Ltd

Respondent Name

- Union of India & Ors

Counsel of Appellant/Applicant/Petitioner

- V Sridharan

Respondent Counsel

- Devang Vyas

Authority Level & Location

- High Court Gujarat

Appeal Number

- R/SPECIAL CIVIL APPLICATION NO. 22519 of 2019

Date of Pronouncement

- 2025-06-13

Ruling in favour of

- Petitioner

Judges

- Justice Bhargav D. Karia
- Justice D. N. Ray