



2025:AHC-LKO:52229

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT TAX No. - 837 of 2025**

M/S O.C.Infraventures And Construction Pvt. Ltd.

Thru. Directpr Ayush Srivastava

.....Petitioner(s)

Versus

Joint Commissioner (Appeals) Customs Cgst And

Central Excise Lko. And Another

.....Respondent(s)

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Counsel for Petitioner(s) : Vikas Singh, Raja Babu Gupta

Counsel for Respondent(s) : Kuldeepak Nag (K.D.Nag), Dheeraj  
Srivastava

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**Court No. - 6**

**HON'BLE PANKAJ BHATIA, J.**

1. Heard learned Counsel for the petitioner and Sri Neeraj Srivastava, who has filed Vakalatnama on behalf of opposite parties no.1 and 2. The Vakalatnama is taken on record.
2. The present petition has been filed challenging an order dated 22.04.2025 whereby, the appeal preferred by the petitioner came to be dismissed on the ground that the pre-deposit made by the appellant was through electronic credit ledger cannot be considered to be a valid deposit in terms of the mandate of Section 107 of the GST Act. It was also recorded that the pre-deposit of Rs.15,889/- paid through Electronic Credit Ledger was below the amount prescribed under Section 107(6) of the GST Act and thus the appeal is found to be filed without fulfilling the condition of pre-deposit, which is mandatory in terms of Section 107(6) of the GST Act.
3. The Counsel for the petitioner places reliance on the judgement of the

Gujarat High Court in the case of *Yasho Industries Limited vs Union of India (R/Special Civil Application No.10504 of 2023)* decided on 17.10.2024, wherein, the Division Bench of the Gujarat High Court has considered the aspect and had held that in terms of the Circular dated 06.07.2022, the pre-deposit made through Electronic Credit Ledger would be a valid deposit. The said judgement of the Gujarat High Court was

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challenged before Hon'ble Supreme Court in *Special Leave Petition (Civil) Diary No.17547 of 2025* and was dismissed vide order dated 19.05.2025.

4. The Counsel for the respondent places reliance on the judgement of this Court in the case of *National Fertilizers Ltd. vs Principle commissioner, CGST and Central Excise, Lucknow: (2025) 30 Centax 31 (All)*, wherein this Court was of the view that even if, the deposit is not found in accordance with law, the Assessee ought to have been confronted with the same through shortcoming and give an opportunity to rectify the said error.
5. In the present case also, no opportunity was given to rectify the error even if the appellate authority was of the view that the deposit is not in accordance with law. However, following the Division Bench judgement of the Gujarat High Court and there being no contrary to the judgement cited by the parties, the appellate order dated 22.04.2025 cannot be justified. The same is quashed.
6. The matter is remanded to the appellate authority with a direction to decide the appeal in accordance with law and accept the amount paid through electronic credit ledger as a valid deposit for preferring an appeal under Section 107 of the GST Act. However, if there are any shortfall of deposit in terms of the prescriptions contained in Section 107(6), the petitioner herein shall make the deposit so as to make the same within the quantum as prescribed under Section 107 (6) of the Act.
7. The writ petition stands *allowed* in the above terms.

(Pankaj Bhatia,J.)

September 2, 2025

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