




# Bombay High Court Saifee Hospital Trust



***Saifee Hospital Trust vs The State of Maharashtra***  
***Writ Petition No. 4374 (2025) dated: 10 Apr***  
**2026**

**Facts of the Case:**

- The petitioner, Saifee Hospital Trust, was subjected to GST audit for FY 2018–19, pursuant to which a show cause notice was issued demanding tax, interest, and penalty.
- An Order-in-Original dated 25.04.2024 partially confirmed the demand. The petitioner filed an appeal on 27.08.2024, which was rejected solely on the ground of delay of one day beyond allowable condonation delay of 30 days.
- Subsequently, recovery proceedings were initiated and Rs. 1.53 Crore was recovered from the petitioner's bank account through garnishee proceedings.



## High Court Observations:

- The Court emphasized that condonation of delay should be approached pragmatically and not pedantically. Technicalities should not override substantial justice, especially when delay is minimal.
- The Court observed that denial of condonation may defeat a meritorious case at the threshold. A delay of one day is insignificant and rejecting an appeal on such ground is unjustified. It also noted that the state had no objection to restoration of the appeal.
- The appeal was restored to the Appellate Authority for fresh hearing (de novo adjudication) and decision on merits.



## Our Comments:

- Section 107 allows filing of appeal within 3 months of passing of order by assessing officer. Further, said section also allows condonation period of 1 month on sufficient cause.
- However, department offices used to reject appeals filed beyond 4 months irrespective of any reasoning.
- This judgment reinforces a liberal and justice oriented approach in matters of condonation of delay, particularly where delay is minimal and unintentional.
- It establishes that procedural limitations under Section 107 should not be applied in a rigid or mechanical manner so as to defeat substantive rights of the taxpayer.

# THANK YOU

---



D-723/ 724, Neelkanth Business Park,  
Vidyavihar (West), Mumbai 400086



+91 9152729402 | +91 9152729403 |  
+91 8291466022



[www.scvora.com](http://www.scvora.com)

## PARTNERS

Subodh Vora

M: +91-9821151467 | E: [subodh@scvora.com](mailto:subodh@scvora.com)

Kush Vora

M: +91-9821305187 | E: [kush.vora@scvora.com](mailto:kush.vora@scvora.com)

Bhakti Vora

M: +91-9821362481 | E: [bhakti.vora@scvora.com](mailto:bhakti.vora@scvora.com)