Unsigned Assessment Order in Form GST DRC-07 is Invalid as Absence of the Assessing Officer's Signature is an Incurable Jurisdictional Defect

The Hon'ble Andhra Pradesh High Court in ***Nominee Works Committee Kalavalla v. Deputy Assistant Commissioner (STII) & Ors. [Writ Petition No. 7693 of 2026 dated June 15, 2026]*** and ***M/s GSN Granites v. Assistant Commissioner (ST) & Ors. [Writ Petition No. 14368 of 2026 dated June 15, 2026]*** set aside the assessment orders passed in Form GST DRC-07 which did not bear the signature of the Assessing Officer and held that the absence of the signature of the Assessing Officer constitutes an inherent jurisdictional defect rendering the assessment order invalid, and such defect cannot be cured by invoking Section 160 or Section 169 of the Central Goods and Services Tax Act, 2017 (**"the CGST Act"**). The matters were remanded to the respective Assessing Officers for fresh adjudication after affording due opportunity of hearing, subject to the condition of deposit of 20% of the disputed tax within six weeks.

Facts:

M/s Nominee Works Committee Kalavalla (**"the Petitioner No. 1"**), a contractor executing works contracts for the State Government, was issued an assessment order in Form GST DRC-07 dated July 25, 2023 for the FY 2022-23, levying GST at the rate of 18% on the works contracts executed for the State Government, followed by recovery proceedings in Form GST DRC-16 dated February 17, 2026. Petitioner No. 1 contended that the levy at 18% was contrary to Notification No. 24/2017-Central Tax (Rate) dated September 21, 2017, which prescribed GST at the rate of 12% on works executed for the State Government, and that it was only vide Notification No. 03/2022-Central Tax (Rate) dated July 13, 2022 that Sl. No. 3(vi) of the rate table was omitted, whereby the rate of 18% became applicable w.e.f. July 18, 2022. It was further contended that interest and penalty were computed on the tax at 18% without reducing the 2% TDS amount. Above all, the order in Form GST DRC-07 did not bear the signature of the Assessing Officer.

M/s GSN Granites (**"the Petitioner No. 2"**), a granite dealer, assailed the Show Cause Notice dated April 02, 2025 and the assessment order dated May 24, 2025 for the FY 2022-23, raising an aggregate demand of Rs. 2,31,67,131/- (Tax of Rs. 97,69,627/-, Penalty of Rs. 97,69,627/- and Interest of Rs. 36,27,877/-), alleging that the same were passed without affording sufficient and effective opportunity of hearing, in gross violation of the principles of natural justice and the procedure prescribed under Sections 74(2) and 74(10) of the CGST Act, and further, that the summary of the assessment order uploaded in Form GST DRC-07 was without generating the Document Identification Number (**"DIN"**) and without signature, either physically or digitally.

The Revenue opposed both the writ petitions on the ground of inordinate and unexplained delay and contended that in terms of Section 169(1)(d) of the CGST Act, uploading of the orders on the GST portal is a prescribed mode of service on the registered person and hence, service stood completed. Per contra, the Petitioners submitted that the orders were never served in the conventional manner and were merely uploaded on the portal.

Issue:

Whether the assessment order/summary thereof in Form GST DRC-07, which does not bear the signature of the Assessing Officer, is valid in law and whether such defect can be cured by invoking Sections 160 or 169 of the CGST Act?

Held:

The Hon'ble Andhra Pradesh High Court in ***Writ Petition No. 7693 of 2026 and Writ Petition No. 14368 of 2026, both dated June 15, 2026***, held as under:

- **Observed that,** the effect of the absence of the signature on an assessment order had already been considered by the Court in ***A.V. Bhanoji Row v. The Assistant Commissioner (ST) [W.P. No. 2830 of 2023 dated February 14, 2023]***, wherein a

Division Bench held that the signature on the assessment order cannot be dispensed with and the provisions of Sections 160 and 169 of the CGST Act would not rectify such a defect. The said view was followed ***in M/s SRK Enterprises v. Assistant Commissioner [W.P. No. 29397 of 2023 dated November 10, 2023]*** and ***M/s SRS Traders v. The Assistant Commissioner (ST) & Ors. [W.P. No. 5238 of 2024 dated March 19, 2024]***, wherein the unsigned assessment orders were held invalid and set aside.

- **Noted that,** on the aspect of service, the Hon'ble Allahabad High Court in ***M/s Bambino Agro Industries Ltd. v. State of Uttar Pradesh & Anr. [Writ Tax No. 2707 of 2025]*** has held that mere uploading of the order on the portal would not be sufficient service on the registered person, though the Andhra Pradesh High Court itself has taken a contrary view in *W.P. No. 5397 of 2026*.

- **Further noted that,** a very large number of registered persons have approached the Court contending that they were unable to access the portal, either on account of their ignorance or because the persons authorized by them did not inform them of such orders. In the normal course, neither ignorance of law nor inability to access the portal would constitute sufficient cause for condoning the delay; however, the Court is also not unaware of the practical difficulties that have arisen on account of the introduction of the GST regime and the online mechanism for administration of tax collection.

- **Held that,** the impugned orders suffer from an inherent defect of absence of a signature, which renders the assessment orders invalid, and accordingly, the same are set aside. Balancing the hardships faced by the registered persons with the need of the State to maintain its administration of tax collection, writ petitions filed with delay in cases where the orders suffer from patent irregularities can be considered, subject to payment of 20% of the disputed tax, a course fortified by the judgment of the Hon'ble Madras High Court in *W.P. No. 1474 of 2026*.

- **Directed that,** the Petitioners shall deposit 20% of the disputed tax within a period of six weeks, and any payment made or amount recovered after the passing of the impugned orders shall be adjusted against the said 20%. The period spent in the writ proceedings shall stand excluded for the purposes of limitation and all issues are left open to be raised before the Assessing Officer.

- Hence, the matters were remanded back to the respective Assessing Officers for fresh adjudication after affording due opportunity of hearing to the Petitioners.

Our Comments:

Section 160 of the CGST Act (**"Assessment proceedings, etc., not to be invalid on certain grounds"**) saves an assessment, re-assessment, adjudication, review, notice, summons or other proceedings from being invalid merely by reason of any mistake, defect or omission therein, provided the same is, in substance and effect, in conformity with or according to the intents, purposes and requirements of the Act. Section 169 of the CGST Act, on the other hand, merely prescribes the alternative modes of service of any decision, order, summons, notice or other communication, including making it available on the common portal under Section 169(1)(d). The consistent judicial view is that the signature of the proper officer is not an empty formality but the very act of authentication which gives legal existence to an order. An unsigned order fails the threshold test of Section 160, as a document lacking authentication cannot be said to be in substance and effect in conformity with the Act, while Section 169, which presupposes a validly issued order, cannot breathe life into a document which is non est in the eyes of law.

Further, Rule 26(3) of the Central Goods and Services Tax Rules, 2017 mandates that all notices, certificates and orders shall be issued electronically by the proper officer through digital signature certificate or through e-signature as specified under the provisions of the Information Technology Act, 2000. The Hon'ble Telangana High Court in ***M/s Silver Oak Villas LLP v. Assistant Commissioner (ST) [W.P. No. 6671 of 2024 dated March 14, 2024]*** extended the requirement of authentication under Rule 26(3) even to orders passed in demand and recovery proceedings and held that an unsigned order is no order in the eyes of law, and mere uploading of such unsigned order on the portal would not cure the defect, which goes to the very root of the matter, i.e., the validity of the order.

The present ruling is in line with a consistent body of precedents. The Hon'ble Delhi High Court in ***Railsys Engineers Pvt. Ltd. v. Additional Commissioner of CGST (Appeals-II) [W.P.(C) No. 4712 of 2022 dated July 21, 2022]*** held that unless at least a digital signature is affixed by the issuing authority, the order will have no effect in the eyes of law, and in ***Marg ERP Ltd. v. Commissioner of Delhi Goods and Service Tax [W.P.(C) No. 872 of 2023 dated February 03, 2023]*** set aside an unsigned demand order following the said view. The Hon'ble Bombay High Court in ***Ramani Suchit Malushte v. Union of India & Ors. [W.P.(C) No. 9331 of 2022 dated September 21, 2022]*** similarly held that an unsigned notice or order cannot be considered as an order at all.

Insofar as the plea of absence of DIN raised by Petitioner No. 2 is concerned, it may be noted that CBIC Circular No. 122/41/2019-GST dated November 05, 2019 read with Circular No. 128/47/2019-GST dated December 23, 2019 mandates the generation and quoting of DIN on all communications issued by the officers of CBIC, and the Hon'ble Supreme Court in ***Pradeep Goyal v. Union of India & Ors. [W.P.(C) No. 320 of 2022 dated July 18, 2022]*** directed the GST Council to issue advisory to the States for implementation of the DIN system, underscoring that electronic generation of DIN promotes transparency and accountability in tax administration.

Interestingly, while the settled position that an unsigned order is invalid has been reiterated, the present judgment adds a new dimension. Taking note of the divergence between the Hon'ble Allahabad High Court in *Bambino Agro Industries Ltd. (supra)*, which held that mere uploading on the portal is not sufficient service, and its own contrary view in *W.P. No. 5397 of 2026*, the Court has balanced the equities by entertaining belated writ petitions in cases of patent irregularities only upon deposit of 20% of the disputed tax. Therefore, taxpayers would be well-advised to regularly monitor the GST portal, verify every order for authentication (signature/DIN) immediately upon upload, and challenge defective orders promptly, since although the defect of an unsigned order is jurisdictional and incurable, a delayed challenge may now come at the cost of a 20% deposit of the disputed tax.

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(Author can be reached at info@a2ztaxcorp.com)

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