

शुभकामनाओं सहित



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आदरणीय बन्धुवर,

गाजियाबाद टैक्सेशन बार द्वारा सेमिनार व कॉन्फ्रेस का आयोजन किया गया है, जो हम सभी प्रोफेशनल के हित के लिये बहुत आवश्यक है, इतने बड़े स्तर पर सेमिनार के आयोजन के लिये हम सभी की ओर से मैं गाजियाबाद टैक्सेशन बार (पंजी0) का हार्दिक धन्यवाद करता हूँ, तथा बार के द्वारा सोविनियर का प्रकाशन भी किया जा रहा है, जिसमें प्रकाशित लेख हम सभी के लिये बहुत ज्ञानवर्द्धक व प्रोफेशनल हित में होंगे। इस सोविनियर के माध्यम से मैं एक लेख साझा कर रहा हूँ।

बन्धुओ व्यापारियों को बहुत सी धाराओं में ऑर्डर दिये जा रहे हैं, जिसमें हमारे द्वारा अपील दाखिल की जाती है, आज मेरे द्वारा कुछ ऐसे ऑर्डर का संकलन साझा किया जा रहा है, जो विभिन्न धाराओं में विभिन्न आदेशों से सम्बन्धित हैं, तथा इन आदेशों के प्रयोग से हम सभी को व्यापारी हित में अपीलीय आदेश कराने व व्यापारी पर लगे हुये कर, व अर्थदण्ड को बचाने में सहयोग मिलेगा, मेरे द्वारा विभिन्न धाराओं में हुये अलग अलग आदेशों का संकलन निम्नवत है—

### 1 Judgment on cancellation of registration with retrospective effect from 01-07-2017.

The officer has not stated the reason to cancel registration retrospectively . Hence the same cannot be executed.

Citation - 2023-VIL-550-DEL

**VIRENDER KUMAR JAIN PROP. OF M/s VIRENDRA WIRES Vs DELHI GST OFFICER, WARD 76 & ORS**

Date of Order – 16-08-2023 HIGH COURT OF DELHI

### 2 Judgment on Cancellation of Registration –

Grounds stated for cancellation the registration in cancellation order are differ from grounds proposed to cancel the registration in SCN. It is violation of Principles of Natural Justice also.

Citation - 2023-VIL-533-BOM

**C.P. PANDEY & CO. Vs COMMISSIONER OF STATE TAX**

Date of Order – 31-07-2023 HIGH COURT OF BOMBAY

### 3 Judgment on cancellation of registration

Vague SCN and Cryptic Cancellation Order

Citation - 2023-VIL-527-DEL

**M/s CUTHBERT OCEANS LLP Vs THE SUPERINTENDENT OF CGST RANGE 109 DIVISION ROHINI**

Date of Order – 08-08-2023 HIGH COURT OF DELHI

### 4 The Case is in relation to E way Bill but the principle can be applied in ITC

the Petitioner's responsibility will be limited to the extent of establishing that he bonafidely purchased goods from the Supplier for valuable consideration after verifying the GST registration of the said supplier on the GST portal.

**ARHAAN FERROUS AND NON-FERROUS SOLUTIONS PVT LTD VS DEPUTY ASSISTANT COMMISSIONER (ANDHRA PRADESH HIGH COURT)**

APPEAL NUMBER : WRIT PETITION NO.15481, 15482, AND 15487 OF 2023

DATE OF JUDGEMENT/ORDER : 03/08/2023



## शुभकामनाओं सहित

### **अभय कुमार जैन** एडवोकेट

अध्यक्ष-कर अधिवक्ता संघ, ललितपुर  
मो0 7985612102



### **रूपनारायण विश्वकर्मा** एडवोकेट (चौटीवाला)

अध्यक्ष-विश्वकर्मा पंचाल समाज ललितपुर  
पूर्व अध्यक्ष-कर अधिवक्ता संघ, ललितपुर  
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### **शैलेंद्र कुमार जैन B2** एडवोकेट

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पूर्व महामंत्री-कर अधिवक्ता संघ ललितपुर  
मो0 9451660555, 7880497151



### **अखिलेश कुमार शर्मा** एडवोकेट

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मो0 9415992568



**एवं समस्त अधिवक्तागण  
कर अधिवक्ता संघ ललितपुर**

5 Judgement against Appeal rejected due to manually filed. The appeal filed manually with all possible convincing reasons .

Citation - 2023-VIL-540-AP

**K V REDDY GRANITES AND EXPORTS Vs 1. THE STATE OF ANDHRA PRADESH**

Date of Order – 11-08-2023 HIGH COURT OF ANDHRA PRADESH

6 Refund : To follow appeal orders by subordinate officer : cannot sit in appeal over the order passed by the Appellate officer .

Citation - 2023-VIL-516-BOM

**JACOBS SOLUTIONS INDIA PVT LTD Vs 1. THE UNION OF INDIA '.**

Date of Order – 31-07-2023 HIGH COURT OF BOMBAY

7 Refund: Once appeal has come in favour , the jurisdictional officer cannot stop the refund by any means.

**ADVANCE SYSTEM V/S COMMISSIONER CGST DELHI NORTH 07-07-2023**

8 Judgement – Amount deposited through DRC-03 may not be treated as voluntary payment under section 74(5). Refund allowed on such deposit with interest

Citation - 2023-VIL-521-P&H

**M/s PARSVNATH TRADERS Vs PRINCIPAL COMMISSIONER, CGST AND ANOTHER**

Date of Order – 27-07-2023 HIGH COURT OF PUNJAB AND HARYANA

9 Limitation period to file appeal under Section 107 will start from date of service of manual order: Gujarat HC

Note : In my fair opinion ..... As it has been directed by the many HC's that the date of limitation will start from the date order is uploaded on the portal as per the provisos of Rule 142 . Here the Guj. HC has contradicts the judgment by saying that limitation period will start from the date of service ( Manually ) done in accordance with section 169.

**BRITANNIA INDUSTRIES LTD. V. UNION OF INDIA - [2023] 153 TAXMANN.COM 255 (GUJARAT) [SPECIAL CIVIL APPLICATION NO. 14867 OF 2022**

DATED AUGUST 07, 2023]

10 During a survey at premises, authorities found excess stock and initiated proceedings under Section 130 of the CGST Act

**Banaras Industries vs. Union of India (Allahabad High Court, 2024):**

The Allahabad High Court ruled in favor of the assessee, stating that the mere presence of excess stock does not justify invoking Section 130

**Dinesh Kumar Pradeep Kumar vs. Additional Commissioner (Allahabad High Court, 2024):**

The court held that the initiation of proceedings under Section 130 was unwarranted in the absence of evidence indicating intent to evade tax.

**M/s Metenere Limited vs. Union of India (Allahabad High Court, 2024):**

The court concluded that Section 130 should not be applied solely based on the discovery of unaccounted goods without clear evidence of intent to evade tax. It directed that proper assessment procedures under Sections 73 or 74 be followed

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### 11 E way bill not found during road inspection favorable judgment

- **M/s Hanuman Ganga Hydroprojects Pvt. Ltd. vs. State of U.P. (Allahabad HC)**

**Judgment** The court ruled that if the e-way bill is produced before adjudication, penalties should not be imposed in the absence of tax evasion.

- **Assistant Commissioner (ST) vs. Satyam Shivam Papers Pvt. Ltd. (Allahabad HC)**

**Judgment** Procedural lapses in carrying an e-way bill were excused when rectified later. The court held that penalties are not justified if compliance is achieved before the final order.

- **K. P. Sugandh Ltd. vs. State of Chhattisgarh (Chhattisgarh HC):**

**Judgment** Penalties were set aside when the e-way bill was later produced and no tax evasion was found.

- **M/s Indus Towers Limited vs. Assistant State Tax Officer (Kerala HC):**

**Judgment** Courts emphasized that procedural lapses should not result in penalties if genuine compliance is demonstrated.

### 12 Sec 129 favorable judgment

- **Gupta Mentha Oil Commission Agent vs. State of UP and Others (May 2024):**

**Case Summary** The petitioner contested a penalty imposed under Section 129(3) following a search at their premises. The court quashed the penalty, emphasizing that Section 129 pertains to goods in transit and not to goods found at a fixed business location

- **Singh Traders and Others vs. State of U.P. and Another (March 2024):**

**Case Summary:** The petitioners challenged a penalty imposed at 100% of the goods' value under Section 129(1)(b). The court reduced the penalty to twice the tax amount, as stipulated under Section 129(1)(a), highlighting the importance of proportionality in penalty imposition.

- **Rawal Wasia Yarn Dying (P.) Ltd. vs. Commissioner Commercial Tax (January 2024):**

**Case Summary** The petitioner failed to fill Part 'B' of the e-way bill due to a technical error. The court ruled that in the absence of intent to evade tax, a penalty under Section 129(3) is not warranted, emphasizing that technical errors without fraudulent intent do not justify penalty imposition.

- **M/S Uttam Electric Store vs. State of U.P. and Others (July 2024):**

**Case Summary** The petitioner faced a penalty due to an incorrect mention of the 'Place of Delivery' in the e-way bill, attributed to human error. The court held that without evidence of intent to evade tax penalty proceedings under Section 129 are unsustainable, reinforcing that human errors without fraudulent intent do not justify penalty imposition

आप सभी का मेरे संकलन को पढ़ने के लिये हार्दिक आभार, तथा गाजियाबाद टैक्सेशन बार का भी हार्दिक धन्यवाद, जिन्होंने मेरे संकलन को अपनी सोविनियर में स्थान दिया। आशा है कि उक्त संकलन से आप सभी लाभान्वित होंगे।

संकलनकर्ता

अंकित कुमार गर्ग  
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**Station Name : Azamgarh**

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**Station Name : Baghpat**

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**चौ० शेखर वीरभान**  
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हमारे यहाँ पर कम्प्यूटर द्वारा बैनामा, गोदनामा, वसीयतनामा  
एग्रीमेंट, किरायानामा, पावर ऑफ अटॉनी, जी.पी.ए.  
मैरिज रजिस्ट्रेशन आदि दस्तावेज तैयार किये जाते हैं।

गाजियाबाद ऑफिस :- चैम्बर नं० 52-A, तहसील कपाउंड, गाधी नगर, गाजियाबाद उ०प्र०

लोनी ऑफिस :- चैम्बर नं० 52, ग्राउंड फ्लोर, निकट रजिस्ट्री कार्यालय  
बिजली ट्रांसफार्मर के सामने, राम पार्क, लोनी, गाजियाबाद

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**Station Name : Balrampur**

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**Station Name : Baraut**

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**Station Name : Bareilly**

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**Station Name : Bijnore**

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**Secretary : Adv Sanjeev Singhal**  
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**Bar Name : Direct Taxes Bar Association**

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**Station Name : Deoband**

**20**

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**Bar Name : Zila Kar Abhibhashak Sangh Etawah**

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**Bar Name : Etawah Tax Bar Association**

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**Station Name : Fatehpur**

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**Secretary : Adv. Manish Kumar Dubey**  
Address : Near Shyam hospital civil line Fatehpur  
Mobile No. : 9415186266

**Bar Name : Janpad Fatehpur Kar Adhivakta Sansthan**

**Station Name : Fatehpur**

**24**

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**Secretary : Adv Laxmi Prasad Gupta**  
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Mobile No. : 9415915973

**Bar Name : Avadh Tax Bar Associations Gauriganj (District Amethi)**

**Station Name : Gauriganj**

**25**

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**Secretary : Adv. Loknath Verma**  
Address : Gauriganj  
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**Bar Name : Gautam Budh Nagar Bar Association (Regd.)**

**Station Name : Gautam Budh Nagar**

**26**

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**Bar Name : Bar Associations Gautam Budh Nagar (Regd.) Gautam Budh Nagar**

**Station Name : Gautam Budh Nagar**

**27**

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Address : 33, 1St floor Sec-10 Delhi  
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**Bar Name : Ghaziabad Taxation Bar (Regd.)**

**Station Name : Ghaziabad**

**28**

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**Secretary : Adv. Madhukar Gupta**  
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**Bar Name : Ghaziabad Adhivakta Bar Association (Regd.)**

**Station Name : Ghaziabad**

**29**

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**Bar Name : Tax Bar Association (Regd.)**

**Station Name : Ghaziabad**

**30**

**President : Adv. Sunder Kumar Sharma**  
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**President : Adv. Sujeet Tomer**  
Address : FF-173 Devika Chamber RDC Raj Nagar Ghaziabad  
Mobile No. : 9312069541

**Bar Name : The Tax Bar Association Ghaziabad**

**Station Name : Ghaziabad**

**31**

**President : Adv. Vikas Kumar Dhingra**  
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**President : Adv. Vikas Goel**  
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**Bar Name : Gonda Tax Bar Associations**

**Station Name : Gonda**

**32**

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Address : 573 Civil Line Gonda  
Mobile No. : 9839118711

**Bar Name : Tax Advocate Association Gorakhpur**

**Station Name : Gorakhpur**

**33**

**President : Adv. Devendu Nath**  
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**Secretary : Adv Jitendra Kumar Sinha**  
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**Bar Name : The Tax Bar Associations Hapur**

**Station Name : Hapur**

**34**

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**Station Name : Hardoi**

**35**

**President : Advocate**  
Address : Hardoi  
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**Secretary : Advocate**  
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**Station Name : Hasanpur**

**36**

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**Secretary : Adv. Shyam Kumar**  
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**Bar Name : The Taxation Bar of Hathras**

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**37**

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**Bar Name : Jhansi Tax Bar Associations (Regd) Jhansi**

**Station Name : Jhansi**

**38**

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**Bar Name : Bright Tax Bar Association**

**Station Name : Kannauj**

**39**

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**Bar Name : Tax Bar Association**

**Station Name : Kanpur**

**40**

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**Station Name : Kanpur**

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**Station Name : Karvi**

**43**

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**Station Name : Kausambi**

**44**

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Address :  
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**Bar Name : Khatauli Tax Advocate Association**

**Station Name : Khatauli**

**45**

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**Secretary : Adv. Jitendra Agrawal**

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**Bar Name : Kar Adhivakta Sangh Lalitpur**

**Station Name : Lalit Pur**

**48**

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**Station Name : Lucknow**

**49**

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**Bar Name : Sales Tax Bar Association**

**Station Name : Lucknow**

**50**

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**Station Name : Maharajganj**

**51**

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**Secretary : Adv. Manoj Gupta**

Address : Maharajganj  
Mobile No. :

**Bar Name : Mainpuri Tax Bar Associations Mainpuri**

**Station Name : Mainpuri**

**52**

**President : Adv. Ram Prakash**

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**Secretary : Adv. Devanand**

Address : Mainpuri  
Mobile No. : 9458821304

**Bar Name : Mathura Tax Bar Associations Mathura**

**Station Name : Mathura**

**53**

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**President : Adv. Harish Kumar Agarwal**

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**Bar Name : Tax Bar Associations (Youth)**

**Station Name : Mathura**

**54**

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Mobile No. : 9837900341

**Secretary : Adv. Amit Sexena**

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Mobile No. : 9027980707

**Bar Name : District Tax Bar Associations Meerut**

**Station Name : Meerut**

**55**

**President : Adv. Piyush Mehra**

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**Secretary : Adv . Ajay Kumar Jangid**

Address : 74, Gali No. 4/1, Ganpati Vihar, Kanker Khara, Meerut  
Mobile No. : 9897571287

**Bar Name : Modinagar Tax Bar Associations Modinagar**

**Station Name : Modinagar**

**56**

**President : Adv. Vipin Singhal**

Address : L- 46 Oil Mill Gate Lower Bazar Modinagar 201204  
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**Secretary : Adv. Dheeraj Goel**

Address : H.No -21 Swasthya Vihar Modinagar Ghaziabad  
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**Secretary : Adv. Nikil Khan**  
Address : Gandhi Nagar Mohaba  
Mobile No. : 8299213109

**Bar Name : Zonal Tax Bar Associations Moradabad**

**Station Name : Moradabad**

**58**

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**Secretary : Adv. Shahvez Malik**  
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Mobile No. : 9927067469

**Bar Name : Muzaffar Nagar Tax Bar Association (Regd.)**

**Station Name : Muzaffarnagar**

**59**

**President : Adv Sadhu Ram Sharma**  
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Mobile No. : 9897006789

**Secretary : Adv Amit Kumar Garg**  
Address : 275A Civil Lines North Muzaffarnagar  
Mobile No. : 9837118368

**Bar Name : Tax Bar Association Muzaffarnagar**

**Station Name : Muzaffarnagar**

**60**

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Mobile No. : 9897541110

**Bar Name : The Tax Bar Associations**

**Station Name : Pilibhit**

**61**

**President : Adv. Rahul Agrawal**  
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**Secretary : Adv. Garav Arora**  
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Mobile No. : 9458042555

**Bar Name : Zila Kar Adhivakta**

**Station Name : Pratapgarh**

**62**

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Mobile No. : 9721000053

**Bar Name : Tax Bar Associations RaeBareili**

**Station Name : RaeBareili**

**63**

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**Secretary : Adv . Shailendra Srivastava**  
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Mobile No. : 9451075355

**Bar Name : The Advocates Bar Associations (Regd.) Rampur**

**Station Name : Rampur**

**64**

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**Secretary : Adv. Mohd. Aamir**  
Address : Distt. Hospital Road, Mandir Bagicha Jogiram  
Rampur  
Mobile No. : 8439752168

**Bar Name : Tax Advocates Association Sonebhadra**

**Station Name : Robert Ganj**

**65**

**President : Adv. Dharmendra Kumar Ojha**  
Address : Near Balika Iner collage Ormaura Robertsganj  
Sonebhadra-231216  
Mobile No. : 8707586203

**Secretary : Adv. Shivaram Singh**  
Address : Indrapuri Colony Robertesganj Sonebhadra -231216  
Mobile No. : 9919937000

**Bar Name : Tax Advocates Associations (Regd.) Saharanpur**

**Station Name : Saharanpur**

**66**

**President : Adv. Rajesh Kapoor**  
Address : Barah khambha house Near Narayan mandir,  
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Mobile No. : 9897096070

**Secretary : Adv. Deep Jain**  
Address : 8/1086, opp Ram Krishan School Jainbagh  
Saharanpur  
Mobile No. : 9897698000

**Bar Name : The Sambhal Taxations Bar Associations Sambhal**

**Station Name : Sambhal**

**67**

**President : Adv. Akhil Kumar Jain**  
Address : Avas Vikas Civil Line Moradabad -244001  
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**Secretary : MMohd. Akram Khan**  
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Bar Name : Tax Bar Associaton Shahjanpur

Station Name : Shahjanpur

68

President : Adv Ravindra Gandhi  
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Mobile No. : 9897205939

Secretary : Adv Ravi Sharma  
Address : Shahjanpur  
Mobile No. : 7906221244

Bar Name : Shamli Zila Tax Bar Associations (Regd.) Shamli

Station Name : Shamli

69

President : Adv. Vikas Sharma  
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Mobile No. : 9412842897

Secretary : Adv Anuj Kumar  
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Mobile No. : 9997160020

Bar Name : Kushbhawanpur Tax Bar Association Sultanpur

Station Name : Sultanpur

70

President : Adv. Ravindra Nath Srivastava  
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प्रान्तीय अध्यक्ष  
मो0 9935220223  
उत्तर प्रदेश कर अधिवक्ता संगठन (पंजी0)  
19/11 ए. बी के बनर्जी मार्ग वेली रोड़ प्रयागराज – 211002

## क्या है उपकास

1. धागा है... उपकास एकता रूपी वह धागा है जिसमें हमने सभी मोती रूपी अधिवक्ता को पिरोकर माला के रूप में इकट्ठा किया है।
2. परिवार... उपकास एक परिवार है जिसमें प्रदेश के विभिन्न स्थानों से सदस्य सम्मिलित है।
3. शैल्टर... उपकास एक शैल्टर है जिसमें सभी अधिवक्ता बन्धुओं को एक छत के नीचे लाने का कार्य किया है।
4. प्लेटफार्म... उपकास एक प्लेटफार्म है जिसके माध्यम से अधिवक्तीय पेशे से सम्बन्धित कठिनाईयों का समाधान किया जा रहा है।
5. सजग प्रहरी... उपकास सीमा पर तैनात जवान की तरह सजग प्रहरी के रूप में सदैव सचेत रहकर अधिवक्तीय पेशे की रक्षा करता है।

## उपकास मेरी नजर में

उ-उत्तम एवं प-पारदर्शी का-कार्यशैली द्वारा अधिवक्तीय पेशे को स-संरक्षण प्रदान करता है।

**वैदिक ब्रह्म वेदिक कुटीर**  
Rest - Rejuvenate - Reconnect  
आपकी सभी आवश्यकताओं को पूरा करने के लिए हमें सज्ज हैं।

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