HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 14894/2024

M/s Baba Minerals, Office No. 11, 4Th Floor, Alankar Plaza, Central Spine, Vidhyadhar Nagar, Jaipur - 302039, Rajasthan Through Its Proprietor Mr. Abhishek Goyal, S/o Mr. Shree Gopal Goyal, Aged About 39 Years, E-6, Laxmi Narayan Vihar Colony, Kishangarh, Ajmer, Rajasthan-305801.

----Petitioner

Versus

1. Union Of India, Through The Secretary, Ministry Of Finance Department Of Revenue, New Delhi.
2. The Additional Director, Directorate General Of Goods And Service Tax Intelligence, Jaipur Zonal Unit, C-62, Sarojini Marg, C-Scheme, Jaipur-302001.
3. The Additional Commissioner/ Joint Commisioner, Of Central Excise And Goods And Services Tax Commissionerate, New Central Revenue Building, Statute Circle, C-Scheme, Jaipur-302005.
4. State Of Rajasthan, Through The Chief Commissioner, Commercial Tax Department, Kar Bhawan, Jaipur-302004.

----Respondents

For Petitioner(s)	:	Mr.Ravi Gupta, Adv.
For Respondent(s)	:	Mr.Naresh Gupta, Senior Standing Counsel for DGGSTI. Mr.Kartikeya Sharma, Adv. for Mr.Sandeep Taneja, AAG.

HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

22/11/2024
AVNEESH JHINGAN, J[ORAL]:-

1. This petition is filed seeking quashing of show cause notice dated 31.07.2024 bearing No. F.No.DGGI/INT/INTL/927/2023-GRA.

2. The brief facts are that the petitioner is a registered dealer under the Goods and Services Tax Act, 2017 (for short ‘the Act of 2017’). A show cause notice dated 31.07.2024 was issued by the

Deputy Director, Office of Directorate General of Goods and Services Tax Intelligence, Jaipur Zonal Unit (for short 'DGGSTI'). Hence, the present petition.

3. Learned counsel for the petitioner submits that the allocation of the petitioner is of the State jurisdiction. The Deputy Director of DGGSTI cannot be an Adjudicating Authority. Reliance is placed upon Section 6(1) of the Act of 2017.

4. Learned counsel for the respondent submits that as a result of the intelligence input received, investigation and the searches carried out, it was found that the petitioner is indulging in generating fake Input Tax Credits (ITC) by doing cash transactions and relying upon the fake invoices issued. The contention is that as per the circular dated 09.02.2018 the Central Tax Officers of Audit Commissionerates and DGGSTI shall have power to issue show cause notice.

5. The challenge in the present petition is only to the show cause notice. The allegations against the petitioner in the show cause notice are based upon the facts and needs factual determination.

6. The petitioner has filed this petition even without filing the reply to the show cause notice.

7. For determining the contention that DGGSTI cannot be adjudicating authority the writ is premature and is dismissed accordingly.

(ASHUTOSH KUMAR),J **(AVNEESH JHINGAN),J**

HS/Tanisha/83

Reportable:- Yes