2024:DHC:1454-DB

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 21.02.2024

\+ **W.P.(C) 938/2024**

PARTHAVI METAL AND ALLOYS ..... Petitioner

versus

UNION OF INDIA & ORS. ..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. J.S. Bedi, Ms. Akriti A. Manubarwala, Ms. Tanishka Grover and Mr. Irshad Rasheed, Advocates.

For the Respondents: Mr. Harpreet Singh, Senior Standing Counsel with Ms. Suhani Mathur, Mr. Jatin Kumar Guar and Mr. Gurpreet Singh Gulati, Advocates.
Mr. Piyush Beniwal and Mr. Nikhil Kumar Chaubey, Advocates for R-1.

CORAM:-
HON'BLE MR. JUSTICE SANJEEV SACHDEVA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 04.08.2022 passed under Section 83 of the Central Goods and Services Tax Act, 2017 ["CGST Act"],

provisionally attaching the cash credit accounts of the petitioners.

2. Learned counsel for the petitioner submits that maximum period for attachment of cash credit accounts in terms of Section 83(2) of the CGST Act is a period of one year from the date the order is made under Section 83(1) of the CGST Act. He submits that since orders have ceased to operate, there can be no impediment in petitioners operating the cash credit accounts.

3. Learned counsel for the respondents concede to the statutory position that orders passed under Section 83(1) of the CGST Act provisionally attaching the cash credit accounts have a life of only one year and cease to operate after the expiry of period of one year from the date it is made.

4. Learned counsel, however, submits that fresh attachment order dated 13.12.2023 has been passed once again provisionally attaching the cash credit accounts under Section 83(1) of the CGST Act.

5. Learned counsel for the petitioners submits that repeated attachment of cash credit accounts in exercise of power under Section 83 of the CGST Act is in breach of the provisions of Section 83(2) and such exercise could not have been undertaken. He further submits that petitioners have not received copies of attachment order dated 13.12.2023.

6. In view of the above, admitted position that the order, subject matter of these proceedings has ceased to operate, the petition is disposed of reserving the right of the petitioner to impugn the fresh attachment order dated 13.12.2023 in accordance with law. The question of validity of repeated issuance of attachment orders under Section 83 of the CGST Act is left open.

7. All rights and contentions of parties are reserved.

SANJEEV SACHDEVA, J

RAVINDER DUDEJA, J

FEBRUARY 21, 2024/*vp*