

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 9900 of 2020 (O&M)
Date of Decision: 21.07.2020**

M/s. RSL Distilleries Pvt. Ltd., Village Chandrao,
P.O. Chagawan, Tehsil Indri, District Karnal

..... Petitioner

Versus

Union of India and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Sandeep Goyal, Advocate for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India,
assisted by Mr. Sourabh Goel, Advocate
for respondent Nos. 1 to 4.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

JASWANT SINGH, J. (ORAL)

The petitioner-Company is a dealer and duly registered under the provisions of the Central Goods and Services Tax Act, 2017 as well as under the Haryana Goods and Services Tax Act, 2017, as also with the Haryana VAT Department. It is engaged in the business of manufacturing of Extra Neutral Alcohol (ENA), Country Liquor, IMFL, DWGS, Carbon Dioxide, sanitizer and denatured spirit. By filing the present petition, the petitioner seeks quashing of the Provisional Attachment Order dated 10.07.2020 (**Annexure P-9**) passed under Section 83 of the CGST, Act, 2017, freezing all the bank accounts of the petitioner-Company after a search in the premises of the Distilleries conducted on 07/08.07.2020 and summons for conducting an inquiry /

20 of the IGST Act, 2017.

Upon notice to respondent Nos. 1 to 4 only, learned Additional Solicitor General of India on the previous date of hearing i.e. 16.07.2020, had stated that objections to be filed by the petitioner under Rule 159(5) of the Central GST Rules, 2017 be positively decided within one week from the date of filing of such objections in accordance with law. The said order dated 16.07.2020 is re-produced as under:-

“ Learned Additional Solicitor General of India submits that he has instructions to state that objections to be filed by the petitioner under Rule 159 (5) of the Central GST Rules, 2017 shall be positively decided within one week from the date of filing of such objections in accordance with law. He also submits that the question of limitation shall not be raised in case the objections are filed within the next 5 days.

In response, counsel for the petitioner submits that he is satisfied with the offer, however, he prays for operating at least one account out of the three freezed accounts so as to run his business, of course, by securing the revenue.

List for further consideration on 21.07.2020.

*The petitioner is given liberty to file objections under Section 159 (5) of the Central GST Rules, 2017 within the next five days, with further direction to the authority concerned to positively decide the same within next 7 days by passing a speaking order, keeping in view, inter alia, the judgments **“Valerius Industries vs. Union of India” (2019) 70 GSTR 147 (Guj.)** and **“Bindal Smelting P. Ltd. vs. Addl. Director General, GST Intelligence” (2020) TIOL 92 HC P&H GST.***

It is further directed that Cash Credit Account No.4891261000006 with the Canara Bank, Sector-17 Branch, Chandigarh, freezed pursuant to P-9, shall be permitted to be operated. ”

At the time of resumed hearing today, learned counsel for the respondents submits that the objections under Section 159 (5) of the Central GST Rules, 2017 have been filed by the petitioner on 18.07.2020 and the date of personal hearing to hear the petitioner-Company is fixed for tomorrow i.e. 22.07.2020. He prays for time till 27.07.2020 for deciding the objections.

The oral request made by counsel for respondents being reasonable is accepted.

In view of above, the present petition is **disposed of** with the directions to the authority concerned to positively decide the same **on or before 27.07.2020** by passing a speaking order, keeping in view, *inter alia*, the judgments “**Valerius Industries vs. Union of India**” (2019) 70 **GSTR 147 (Guj.)** and “**Bindal Smelting P. Ltd. vs. Addl. Director General, GST Intelligence**” (2020) **TIOL 92 HC P&H GST**.

(JASWANT SINGH)
JUDGE

July 21, 2020

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(SANT PARKASH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>