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

CWP-14698-2021.
Date of Decision:-06.08.2021.

M/s Adsun Electronics Private Limited

.....Petitioner

Versus

The Commissioner of State Tax (GST) and others

......Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE VIKAS BAHL**

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Present: Ms. Anjali J. Manish, Ms. Priyadarshi Manish and
Mr. Naresh Gopal Sharma, Advocates for the petitioner.

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AJAY TEWARI, J. (Oral)

This petition has been filed challenging the order of freezing of the current account of the petitioner. The ground take is that the order of freezing of account has been passed in direct contravention to Section 83 of the Haryana Goods and Service Tax Act, 2017 (herein after referred to as 'the Act of 2017'). The same is reproduced hereinbelow:-

> "***Section 83. Provisional attachment to protect revenue in certain cases.***
>
> ***(1)*** *Where during the pendency of any proceedings under section 62 or section 63 or section 64 or section 67 or section 73 or section 74, the Commissioner is of the opinion that for the purpose of protecting the interest of the Government revenue, it is necessary so to do, he may, by order in writing attach provisionally any property, including bank account, belonging to the taxable person in such manner, as may be prescribed.*

> ***(2)*** *Every such provisional attachment shall cease to have effect after the expiry of a period of one year from the date of the order made under sub-section (1).*

Notice of motion.

Ms. Shruti Jain Goyal, learned Deputy Advocate General, Haryana, accepts notice on behalf of the respondents and on instructions, has very clearly stated that in the present case, some information was received that the petitioner had claimed ITC on the basis of fake invoices and that is why order dated 06.07.2021 was passed and DRC-22 was given to the bank of the petitioner to freeze the account and only on 12.07.2021 notice was issued to the petitioner. It is, thus, clear that the mandatory conditions prescribed under Section 83 of the Act of 2017 were not existing at the time when the order of freezing of account was passed.

As a result, we have no option but to set aside the order freezing the account of the petitioner with liberty to the respondents to take action, in accordance with law.

Petition stands allowed.

Since the writ petition has been decided, pending Civil Miscellaneous Application, if any, shall also stand disposed of.

(AJAY TEWARI)
JUDGE

(VIKAS BAHL)
JUDGE

August 06, 2021.
sandeep
Whether speaking/reasoned:- Yes / No
Whether Reportable:- Yes / No.

SANDEEP SETHI
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