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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13080/2021**

M/S SHRI DHAN LAXMI TRADE HOUSE PVT. LTD.

..... Petitioner

Through **Dr.G.K.Sarkar with Mrs.Malabika Sarkar, Mr.Prashant Srivastava and Mr.Deepak Mahajan, Advocates.**

versus

PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX & ANR.

..... Respondents

Through **Mr.Dhruv Bhattacharya, Advocate for R-1.
Mr.Rachit Bigghe, Advocate for R-2/ICICI Bank.**

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Date of Decision: 22nd November, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

C.M.No.41260/2021

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

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1. By way of the present petition, Petitioner seeks directions to the Respondents to defreeze the Petitioner's Current Account No.181905001156 with Respondent No.2-Bank.

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2. Learned Counsel for the Petitioner states that the Petitioner's account had been directed to be debit freeze by Respondent No.1 vide letter dated 10th August, 2020 written to the Respondent No. 2-Bank. He states that the account had been attached merely on account of initiation of proceedings by Respondent No.1 against the Petitioner under Section 67 of the CGST Act i.e. to determine if there is any tax amount due and payable by the petitioner.

3. Learned Counsel for the Petitioner submits that Section 83(2) of the CGST Act, 2017 provides that every provisional attachment shall cease to have effect after the expiry of one year from the date the order had been made under sub-Section (1). He states that in the instant case though the account of the petitioner had been debit freeze vide letter dated 10th August, 2020 and the period of one year had ended on 9th August, 2021, yet the account of Petitioner has not been de-freeze. He emphasises that the Petitioner has not been issued any show cause notice for any amount liable to be paid by it.

4. Issue notice.

5. Mr.Dhruv Bhattacharya, Advocate accepts notice on behalf of respondent no.1 and Mr.Rachit Bigghe, Advocate accepts notice on behalf of respondent no.2/ICICI Bank.

6. At Court's direction, learned counsel for respondent no.1 has obtained instructions. He admits that every provisional attachment shall cease to have effect after the expiry of period of one year from the date the order had been passed under Section 83(1) of the Act.

7. In view of the aforesaid statement, the present writ petition is allowed and the Respondents are directed to de-freeze the Petitioner's Current Account No.181905001156 with Respondent no.2-Bank, within three

working days of uploading of the present order.

8. With the aforesaid directions, the present writ petition stands disposed of.

MANMOHAN, J

NAVIN CHAWLA, J

**NOVEMBER 22, 2021
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