

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

244

CWP-5041-2021

Date of decision:24.01.2023

SPARCO BATTERIES PVT. LTD.

.... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Mukul Singla, Advocate for the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana.

RITU BAHRI, J. (oral)

As per order dated 09.01.2021(P-3), the parties were not in dispute that the respondent without giving any reason has blocked ITC amounting to Rs.37,90,396/- vide order dated 09.01.2021 (Annexure P-3). The respondents again blocked credit amounting to Rs.1,82,40,397/- on 28.01.2021(Annexure P-4) by including the amount of the other firm of the petitioner concerned and operation of the impugned order dated 28.01.2021 (Annexure P-4) was stayed.

Thereafter, a reply dated 09.12.2021 has been filed. As per reply, an FIR No.38 (Annexures R-2) was registered against the supplier from whom the petitioner had purchased the goods and vide letter dated 15.03.2019 (Annexure R-3), the Assessing Authority, Sonapat has issued a show cause notice to the petitioner directing him to pay Rs.37,90,396/- within a period of 10 days. The petitioner has a remedy against the letter dated 15.03.2019 (Annexure R-3). Under Section 107 of Central Goods Service Tax, 2017.

Learned State counsel on instructions has informed that the petitioner had availed the remedy of appeal i.e DRC-07 against the final order dated 11.02.2022 before the Joint Excise and Taxation Commissioner (Appeal) which is still pending. However, the blocked credit amounting to Rs. 1,82,40,397/- was unblocked on 23.04.2021. They issued DRC-07 and recovered the amount of Rs.31,97,192/-, and rest of the amount is unblocked.

The counsel for the petitioner does not dispute the abovesaid facts.

Since the amounts have been unblocked and appeal i.e DRC-07 is pending against the order dated 11.02.2022, no further direction is required to be given.

In view of the above, this petition is disposed of.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

24.01.2023
Jyoti-IV

Whether speaking/reasoned:	Yes/No.
Whether reportable :	Yes/No