IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2916 OF 2024

Gaurav Modwel ….Petitioner

V/s.

The Deputy Commissioner of State Tax & Ors. ….Respondents

Mr. Anay Banhatti a/w. Ms. Asmita Gupta for petitioner.
Ms. Jyoti Chavan, Addl. GP for respondents – State.
Dr. Leena S. Panpatil, Deputy Commissioner of GST, State Tax E-645 present.

CORAM : K.R. SHRIRAM &
JITENDRA JAIN, JJ.
DATED : 26th AUGUST 2024

P.C. :

1 Petitioner has filed this petition under Article 226 of the Constitution of India for the following substantial reliefs :

> *a) That this Hon'ble Court be pleased to issue a writ of certiorari, or any other appropriate writ, order or direction under Article 226 of the Constitution of India, calling for all the papers and proceedings of Respondents in relation to the letters/directions/orders, including State Tax Letter Ref No. DC-645/LTU-2/PAN INF0/2023-24/B-444 dated March 11, 2024 and O15286, which have resulted in freezing of the financial assets/demat accounts of the Petitioner, and after examining the validity, legality and propriety thereof, to quash and set aside the same.*
>
> *b) That this Honble Court be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction in the nature of mandamus, under Article 226 of the Constitution of India, directing the Respondents to forthwith provide the letters/directions/orders of the Respondents basis which freeze has been imposed on the Petitioner's financial assets/demat accounts as set out at paragraph 13 herein, and, directing the Respondents to forthwith issue necessary directions/orders to the National Securities Depository Limited (NSDL) and to the asset management*

firms/banks to remove the freeze imposed on the Petitioner's financial assets/accounts as stated at paragraph 13 herein.

2 The grounds raised in the petition are multiple but primarily it says five demat accounts of petitioner have been attached without even issuing a notice let alone giving an opportunity to present petitioner's case. It is also stated in the petition that the attachment is on the back of certain GST demand proceedings against the company one M/s. Wadhawan Sports Private Limited (the Company) in which petitioner was a Director and resigned in August 2019. The GST demand notice has been issued to the Company in September 2023 for Financial Year 2019-2020. According to petitioner, petitioner is not liable at all whereas, Ms. Chavan states that the GST portal shows only in 2022 petitioner had resigned.

3 Be that as it may, Ms. Chavan, on instructions and in fairness states that petitioner ought to have been given notice before the impugned attachment orders were issued to the depository participants and/or to NSDL.

4 Therefore, all the five impugned orders are hereby quashed and set aside.

5 The depository participants, viz., Kotak Mahindra Bank Limited, Geojit Financial Services Limited, HDFC Bank Limited, Religare Broking Limited are hereby informed that the attachment orders have been

quashed and set aside. The details of the accounts frozen are given as under :

Sr. No.	DP ID	CLIENT ID	BO ID	GROUP
1	IN303173	20145823	IN303173-20145823	Kotak Mahindra Bank Limited
2	IN303173	20075440	IN303173-20075440	Kotak Mahindra Bank Limited
3	IN300239	11191412	IN300239-11191412	Geojit Financial Services Limited
4	IN301549	53374268	IN301549-53374268	HDFC Bank Limited
5	IN301774	18495287	IN301774-18495287	Religare Broking Limited

6 Statement of Ms. Chavan that all the depository participants and NSDL will be informed about the defreezing of the accounts by 12 noon tomorrow, i.e., 27th August 2024, with copy to petitioner, is accepted as undertaking to this Court by the officer who is present in Court.

7 Petition disposed. No order as to costs.

(JITENDRA JAIN, J.) **(K.R. SHRIRAM, J.)**