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

\+ W.P.(C) 9026/2024

SAURAV BEVERAGES PRIVATE LIMITED .....Petitioner

Through: Mr. Jitin Singhal, Mr. Pravesh Bahuguna and Mr. Amit Kr. Dogra, Advs.

versus

COMMISSIONER OF CGST, DELHI (EAST) & ORS......Respondents

Through: Mr. Harpreet Singh, SSC for R-1. Mr. Avishkar Singhvi, ASC along with Mr. Shubham Kumar, Mr. Vivek Kr. Singh and Mr. Naved Ahmed, Advs. for R-7 (RTO)

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE SACHIN DATTA

<u>O R D E R</u>

% 08.07.2024

<u>CM APPL. 37574/2024 (early hearing)</u>

1. Issue notice.

2. Learned counsel for respondent no.1 accepts notice. Respondent no.7 is also represented before this court.

3. Considering the controversy involved, we do not consider it necessary to issue notice to the respondent nos.2 to 6, which are the concerned banks with whom the petitioner maintains its accounts.

4. Respondent no.1 is the contesting respondent.

5. Mr. Harpreet Singh, learned counsel appearing for respondent no.1 does not dispute that the controversy involved in the present petition is covered by previous decisions of this court.

6. In the circumstances, with the consent of the respective counsel, the present petition is taken up for final hearing.

7. The present application stands disposed of.

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8. The petitioner has filed the present petition, *inter alia*, impugning an order dated 09.12.2020 passed by the respondent no.1, whereby the petitioner's account [Bank Account No.918020046593230, maintained at Axis Bank, Kingsway Camp, New Delhi] was attached.

9. The petitioner also impugns a separate order dated 20.01.2021 whereby the petitioner's motor vehicle bearing registration No. DL 6C Q 5858 was provisionally attached under Section 83 of the Central Goods and Services Tax Act, 2017 (hereafter the *CGST Act*).

10. Learned counsel for the petitioner submits that similar orders have also been passed attaching the petitioner's bank account, maintained with the other respondent banks.

11. The petitioner states that he has not received any further/subsequent orders of provisional attachment under Section 83 of the CGST Act. The orders mentioned by the petitioner were communicated directly to the respondent banks.

12. Admittedly, in terms of Section 83 (2) of the CGST Act, an order passed under Section 83 (1) of the CGST Act, would cease to operate after expiry of a period of one year from the date the order. Thus, even if it is assumed that an appropriate order under Section 83 of the CGST Act was passed by the respondent no.1, on the strength of which communications were issued to the respondent banks and the respondent no.7 (RTO), the same would no longer be operative.

13. In view of the above, it is not necessary to examine reasons/basis for issuing the impugned attachment under Section 83 of the CGST Act.

14. Since the provisional attachment order(s) are no longer operative, the

respondent banks are hereby directed not to prevent the petitioner from operating the concerned bank account/s, on the basis of communication(s)/order(s) impugned in the present petition.

15. Respondent no.7 shall also take note that the impugned order dated 20.01.2021 is no longer operative, and is directed not to take any steps on the basis of the said order.

16. This court is informed that in terms of subsisting directions/instructions, the respondent is obliged to communicate to the concerned banks, once the order of attachment ceases to be operative. The respondent is directed to ensure that the said directions/instructions are duly followed.

17. The petition is disposed of in the aforesaid terms.

18. The hearing scheduled on 25.07.2024 stands cancelled.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 08, 2024/cl