$~64

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

\+ W.P.(C) 9043/2024

S Z TRADING AND IMPEX PVT. LTD. .....Petitioner

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

versus

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

Through: Mr. Harpreet Singh, SSC for R-1.
Mr. Akshit Kapur, Adv. for R-2/SBI (through v/c).

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

O R D E R

% **08.07.2024**

CM APPL. 37575/2024 (early hearing)

1. This is an application seeking early hearing of the present petition.

2. For the reasons stated in the present application, the same is allowed.

3. The present application stands disposed of.

W.P.(C) 9043/2024

4. Issue notice.

5. Mr. Harpreet Singh, learned counsel accepts notice on behalf of the respondent no.1.

6. The petitioner has filed the present petition *inter alia* praying as under:

> "*(a) issue a writ of mandamus or any other appropriate writ, order or directions, directing the respondents to defreeze the Bank Account No. 38959460014 maintained at SBI Bank, Shahdara, Delhi which was provisionally attached by the learned Commissioner of CGST, Delhi (East)*".

7. The petitioner is aggrieved by the action of the respondent no.1 in freezing his bank account [Bank Account No.38959460014], maintained with

the respondent no.2 bank. The petitioner claims that the said bank account was provisionally attached under Section 83 of the Central Goods and Services Act, 2017 (hereafter *the CGST Act, 2017*) sometime in the year 2020-2021.

8. The petitioner claims that he did not receive a copy of the provisional attachment order from the respondent no.1, or even a communication in this regard from the respondents.

9. Mr. Harpreet Singh, learned counsel appearing for the respondent no.1 rightly points out that any order of attachment under Section 83(1) of the CGST Act, 2017 passed in the year 2020-21 would have lapsed by virtue of Section 83(2) of the CGST Act, 2017, as such an order cannot be operative beyond the period of one year from the date on which it is issued.

10. The information provided by the petitioner in the present petition is sketchy. The petition does not even disclose as to how the petitioner became aware that its bank accounts were attached.

11. Even so, since it is the petitioner's case that its bank account was attached under Section 83(1) of the CGST Act, 2017 in the year 2020-21 and the said order has not been removed or revived, the said order would be now inoperative by virtue of Section 83(2) of the CGST Act, 2017.

12. In the aforesaid circumstances, the petition is disposed of by directing that respondent no.2 bank would not interdict the operation of the petitioner's bank accounts, solely on the basis of any order under Section 83(1) of the CGST Act, 2017, passed in the year 2020-21. We also clarify that this is on the assumption that no further orders *qua* petitioner's bank account have been passed by respondent no.1 thereafter.

13. Further, it is clarified that this order is passed solely on the basis of Section 83(2) of the CGST Act, 2017, which posits that an order of

provisional attachment passed under Section 83(1) of the CGST Act, 2017, would cease to be operative after expiry of one year from the date it is issued.

14. The present petition is disposed of with the aforesaid observations.

15. The hearing scheduled on 25.07.2024 stands cancelled.

VIBHU BAKHRU, J

SACHIN DATTA, J

JULY 08, 2024/cl