



\$~76

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

+ W.P.(C) 10845/2024 & CM APPL. 44653/2024 (Stay)

M/S. PC JEWELLER LTD.Petitioner

Through: Mr. Vineet Bhatia, Advocate.

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Rajeev Aggarwal, Additional
Standing Counsel along with Mr.
Shubham Goel, Advocate for R-2 to
R-5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **04.09.2024**

1. The petitioner has filed the present petition impugning the order dated 25.04.2024 (hereafter *the impugned order*) passed by the Adjudicating Authority under Section 73 of the Central Goods and Services Tax Act, 2017 / the Delhi Goods and Services Tax Act, 2017 in respect of the financial year 2018-2019.
2. The impugned order was passed pursuant to a show cause notice dated 09.12.2023 (hereafter *the SCN*). The petitioner responded to the said show cause notice and furnished a detailed reply dated 08.01.2024 which also included a reconciliation statement. Thereafter, the petitioner also filed additional replies (two in number) supplementing the reply dated 08.01.2024.
3. The Adjudicating Authority has dropped a part of the demand raised, including on cess and on excess ITC on reverse charge method. However, it has confirmed the demand under other heads.



4. A plain reading of the impugned order indicates that it does not provide any reason for rejecting the petitioner's response to the SCN in respect of the demand under other heads that have been confirmed. The impugned order merely records that the replies furnished by the petitioner are found to be "not satisfactory".

5. In view of the above, we accept the petitioner's contention that the impugned order, to the extent it confirms the demand, is unreasoned.

6. We, accordingly, set aside the impugned order to the extent that it confirms the demand as set out in the SCN and remand the matter to the Adjudicating Authority to consider the matter afresh. The Adjudicating Authority shall pass a reasoned order after affording the petitioner an opportunity to be heard.

7. The present petition is disposed of in the aforesaid terms. The pending application is also disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 04, 2024

r