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

\+ W.P.(C) 15161/2024

SACHIN KUMAR JAIN .....Petitioner

Through: Mr. Mani Bhadra Jain and Mr. Sushant Singhal, Advocate.

versus

SALES TAX OFFICER CLASS II WARD 50 ZONE 3 DELHI & ANR. .....Respondents

Through: Mr. Rajeev Aggarwal, ASC with Mr. Shubham Goel and Mr. Mayank Kamra, Advocates for R-1 and R-2.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% **28.10.2024**

CM APPL. 63572/2024 (Exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

W.P.(C) 15161/2024 & CM APPL. 63571/2024 (Interim Relief)

1. The petitioner is aggrieved by the final order dated 30 August 2024 in terms of which a demand raised under Section 73 of the Central Goods and Services Tax Act, 2017 [**'CGST Act'**] has come to be confirmed.

2. As we view the Show Cause Notice [**'SCN'**] which preceded the passing of the impugned order, we find that the respondents had alleged that the petitioner had failed to correctly declare its tax liability.

3. However, that SCN failed to record or disclose any reasons on

the basis of which the respondents had come to the aforesaid conclusion. Since the petitioner alleged that they were unaware of the issuance of that notice and were consequently unable to file a reply, the respondents have proceeded to pass the final order which stands impugned herein.

4. As we read the impugned order, we find that the mere failure on the part of the writ petitioner to submit a reply has been taken as constituting sufficient ground to confirm the demand which had been raised. The final order fails to assign any reasons in support of the allegation that the correct tax liability had not been disclosed.

5. Upon us rendering the aforesaid tentative conclusions, Mr. Aggarwal, learned counsel representing the respondents, submitted that rather than the matter being retained on the board of this Court, the ends of justice would merit the respondents being accorded an opportunity to deal with the SCN afresh.

6. We accordingly allow the instant writ petition and quash the impugned order dated 30 August 2024. We accord liberty to the writ petitioner to furnish a response to the SCN within a period of two weeks from today. The said reply may be duly examined and the SCN proceedings disposed of in accordance with law and with due expedition.

7. All rights and contentions of the respective parties on merits are kept open.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 28, 2024/ib