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

+ **CONT.CAS(C) 901/2025 & CM APPL. 36394/2025**

M/S MN AUTOMOBILE PRIVATE LIMITED .....Petitioner

Through: Mr. Sudeep Kr. Shrotriya, Adv  
versus

UNION OF INDIA & ORS. ....Respondents

Through: Mr. Harpreet Singh, SSC

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE SHAIL JAIN**

**ORDER**

% **12.08.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Section 2(B) read with Section 12 of the Contempt of Courts Act, 1971 praying for initiation of contempt proceedings against the Respondents/ Contemnors for wilful disobedience of the order dated 20<sup>th</sup> April, 2023 passed by this Court in ***W.P.(C) 5006/2023*** titled ***M/s MN Automobile Private Limited vs. Union of India.***
3. The case of the Petitioner is that an interim order was passed on 20<sup>th</sup> April, 2023 to the following effect :

*“4. The petitioner has filed the present petition essentially aggrieved by the adjudication of the impugned Show Cause Notice dated 30.08.2018. He submits that the Show Cause Notice is sought to be adjudicated belatedly i.e.. after five years. The notice of hearing has been given by the Department on 02.03.2023.*

*5. The adjudication of the Show Cause Notice was adjourned on 23.08.2021 on the ground that the matters involving similar issue are pending consideration before the*



*High Court.*

6. *Issue notice.*

7. *Mr. Harpreet Singh, learned Standing Counsel accepts notice on behalf of the respondent No. 2 and 3.*

**8. The respondents are directed not to pass any final order in the impugned Show Cause Notice till the next date of hearing. The petitioner is, however, directed to participate and cooperate in the pending proceedings in Show Cause Notice dated 30.08.2018.**

9. *It is also pointed out that the matters involving similar issues are now listed on 27.07.2023.*

10. *List on 27.07.2023 alongwith W.P.(C)8730/2018 captioned **Koncept Automobiles Pvt. Ltd vs. Union of India & Ors.***”

4. As per the above order, the Directorate General of GST Intelligence (*hereinafter ‘DGGI’*), Adjudication Cell, was not to pass any final order pursuant to the Show Cause Notice dated 23<sup>rd</sup> August, 2021. However, the final order has come to be passed on 17<sup>th</sup> January, 2025 – hence this contempt petition. The allegation in this contempt petition is, thus, that the said order of 17<sup>th</sup> January, 2025 is passed in utter disregard and contempt of the order passed by this Court.

5. Notice was issued in this contempt petition on the last date of hearing and the reply has subsequently been filed. In its reply, the DGGI has tendered an apology and there are also some discussions on the merits of the case.

6. Mr. Harpreet Singh, Id. SSC who is appearing today for the DGGI submits that one part of the order also required the Petitioner to cooperate in the pending proceedings which did not happen and due to the same, the interim order passed by this Court may have gone unnoticed by the DGGI, hence, an unconditional apology is tendered.

7. Id. Counsel for the Petitioner objects to the stand of the DGGI. It is



his submission that the Department was well aware that no final order was to be passed and has deliberately gone against the said direction of this Court.

8. Ld. Counsel for the Petitioner further submits that the stay order dated 20th April, 2023 was passed by this Court after contest by the Department and hence, they were well aware of the order.

9. Heard ld. Counsel for the parties. In terms of the interim order passed by this Court on 20<sup>th</sup> April, 2023, the proceedings in the SCN were to continue and no final order was to be passed. The proceedings did continue and notices of hearing have been given to the Petitioner on 4th February, 2021, 23<sup>rd</sup> August, 2021, 25th November, 2021, 15th March, 2023, 5th March, 2024, 10th April, 2024, 11th June, 2024, 26th June, 2024 and 16th January, 2025. However, the Petitioner is stated to have appeared for personal hearing only on 23<sup>rd</sup> August, 2021.

10. The explanation given by the Department, as to how the final order dated 17th January, 2025 came to be passed does not seem to be lacking *bonafides*. Hence, the apology tendered on behalf of the Department is accepted. However, the order dated 17<sup>th</sup> January, 2025 cannot stand and is accordingly recalled and quashed.

11. In the facts of this case, the Department shall deposit a sum of Rs 10,000/- as costs with the Delhi High Court Bar Association. The same shall be deposited within four weeks. The bank details of the Delhi High Court Bar Association are as under:

- **Name: Delhi High Court Bar Association**
- **Account No.: 1553010000047**
- **IFSC Code: UCBA0001553**
- **Bank & Branch: UCO Bank, Delhi High Court**



12. The contempt Petition is discharged, subject to the above condition being fulfilled.

13. The petition is disposed of in said terms, along with all the pending applications.

**PRATHIBA M. SINGH, J.**

**SHAIL JAIN, J.**

**AUGUST 12, 2025**

*sk/ss*