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

\+ **W.P.(C) 15175/2024**

BEST CROP SCIENCE PVT LTD THROUGH ITS AUTHORIZED REPRESENTATIVE .....Petitioner

Through: Mr. Aditya Kumar, Mr. Himanshu Tyagi and Mr. Mohit Yadav, Advs.

versus

PRINCIPAL COMMISSIONER CGST MEERUT & ORS. .....Respondents

Through: Mr. Harpreet Singh, SSC with Mr. Jai Ahuja, Mr. Sanidhya Sharma, Mr. Akshay Saxena and Ms. Shivali Saxena, Advs.

**CORAM:**
**JUSTICE PRATHIBA M. SINGH**
**JUSTICE SHAIL JAIN**

**O R D E R**

**% 28.08.2025**

1. This hearing has been done through hybrid mode.

2. The present petition challenges the provisional attachment order dated 26th July, 2024 by which the following bank accounts of the Petitioner were frozen:

- Bank A/c No. 3292002100012406 with Punjab National Bank branch at Surya Estate, Hisar, Haryana, -125001.,
- Bank A/c No. 921020041942392 with Axis Bank branch at NH – 43, Inspection Bunglow Tilak Nagar, Nazafgarh Road New Delhi – 110018,
- Bank A/c Nos. 010663300002960 and 010681300000230 with Yes Bank branch at S-1A, Bhagwan Dass Nagar, East Punjabi Bagh, New Delhi – 110026

3. The said attachment order was stayed *vide* order dated 28th October, 2024 in the following terms:-

> *"1. Notice. We take note of the issues which stood flagged in our order of 28 October 2024. We had on that occasion, accorded liberty to Mr. Singh, learned counsel who appears for the respondents, to obtain instructions and address submissions of how the provisional attachment which been enforced on 26 July 2024 could be sustained or be liable to be continued despite the order rendered by the Commissioner (Appeals) on 11 January 2024 and in terms of which the principal demands as raised against the petitioner had come to be annulled. We had also taken note of the contention of the petitioner that the penalty which was ultimately imposed by the Commissioner (Appeals) had also been duly deposited and thus no liability subsists against them today.*
>
> *2. Concededly, the respondents seek to sustain the original order of provisional attachment dated 26 July 2024 based on a subsequent Show Cause Notice ['SCN'] and which has come to be issued on 02 August 2024. Admittedly, the said SCN and the allegations levelled therein did not form the basis for invocation of Section 83 of the Central Goods and Services Tax Act, 2017 ['Act']. Those allegations also did not constitute the foundation for formation of opinion that the interest of the Revenue was liable to be secured by way of a provisional attachment. This obviously since the SCN came to be issued subsequently and after the order of provisional attachment had been passed.*
>
> ***3. While hypothetically, it would be open for the respondents to consider taking action under Section 83 of the Act if circumstances so warrant based on the allegations as leveled in the SCN dated 02 August 2024, in the facts as they obtain presently, there exists no justification to sustain the continuance of the original provisional attachment order.***
>
> ***4. We had, in fact, suggested that the respondents***

***may consider reserving such liberty and thus taking a decision afresh on the basis of the subsequent SCN which had been issued. However, Mr. Singh, learned counsel appearing for the respondents was unwilling to seek that liberty. Since Mr. Singh proposes to file a reply, let the same be done within a period of four weeks from today. The petitioner shall have two weeks therefrom to file a rejoinder affidavit.***
***5. In the meanwhile, we stay the operation of the provisional attachment order dated 26 July 2024.***"

4. Today, Mr. Harpreet Singh under instructions submits that the SCN, after the investigation, has now been issued on 02nd August, 2024. However, he also fairly admits that the maximum period for such a freezing order as per Section 83 (2) of the CGST Act i.e., one year, has already lapsed and therefore, the provisional attachment shall cease to have the effect.

5. In view of the said submission and the clear position of law in this regard, the provisional attachment can no longer continue. The bank accounts are accordingly released from attachment. The Petitioner is free to operate the above bank accounts. All banks to give effect to this order upon receipt of the same. The present petition along with pending applications, if any stand disposed of.

6. The proceedings in the SCN shall continue in accordance with law.

**PRATHIBA M. SINGH, J.**

**SHAIL JAIN, J.**

**AUGUST 28, 2025**/*sk/Ar*.