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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ **W.P.(C) 6144/2023**

M/S FOREVER NEW APPARELS PVT LTD .....Petitioner

Through: None.

versus

COMMISSIONER GOODS AND SERVICE TAX & ANR. .....Respondents

Through: Mr. Dhruv Rohatgi, Ms. Chandrika Sachdev and Mr. Dhruv Kumar, Advs. (9643400939).

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

<u>O R D E R</u>

% 15.12.2025

1. This hearing has been done through hybrid mode.

2. None appears for the Petitioner. In fact, none has been appearing in the matter for the last few hearings.

3. The prayer in this petition, *inter alia*, is for setting aside of the order dated 29th January, 2021 by which the Petitioner's request for correction of the returns for the 1st quarter of the Financial Year 2017-18 was rejected. In effect, the Petitioner's prayer is for permission to revise the return for the said period.

4. The case of the Petitioner is that it had made a mistake in the Form 2A uploaded on the DVAT website for the subject returns and had sought permission to revise the same to enable the Petitioner to download the requisite 'F' Forms. The said request was rejected *vide* the impugned order.

5. The revision was sought to be made beyond the one year period, which was the basis on which the impugned order of rejection was passed by the

Department after interpreting the relevant Rules under the DVAT Act.

6. The Court has considered the matter. The question of revision of returns stood decided by the Division Bench of this Court in ***W.P. (C) 8272/2015*** titled ***M/s Ingram Micro India Pvt. Ltd. v. Commissioner, Department of Trade and Taxes & Anr. (2016:DHC:777-DB).*** The operative portion thereof, reads as under:

> *"15. The issue boils down to whether Rule 5(4)(i) of the CST Delhi Rules is attracted. In other words, can it be said that there was a failure on the part of the Petitioner to furnish a return, including a reconciliation return or return in accordance with the provisions of law or in payment of tax due according to such return.*
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> *16.* ***A question was repeatedly posed to learned counsel for the Respondents whether there was any adverse impact as far as the Department was concerned if the C-Forms in respect of the aforementioned inter-state purchase transactions as requested by the Petitioner were to be furnished even at this stage. The reply was in the negative. In other words, there would be no loss of any tax revenue to the Department. At the same time, it is not denied that if the Petitioner is unable to obtain and furnish the C-Forms to its selling dealers, then it cannot take advantage of reduced rate of tax and the selling dealer is likely to pass on the burden of the differential tax to the Petitioner. In sum, the denial of C-Forms to the Petitioner would certainly be prejudicial to it.***
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> *[...]*
> *19. Turning to the facts of the present case it is not the stand of the Respondents that the inter-state purchase transactions in respect of which the C-Forms are being asked for by the Petitioner are not genuine. As far as the furnishing of bank statements is concerned, it is stated*

that the Petitioner has by a letter dated 10th July 2015 furnished the said documents. As regards the apprehension expressed by Mr. Ghose that this would open a pandora's box and make it difficult for proper administration of collection of taxes by the Respondents, it is trite that each such request for issuance of C-Forms would have to be individually examined on a case to case basis. It is incumbent on the authority while examining such request in light of Rule 5(4) of the CST Delhi Rules to satisfy himself whether any of the grounds spelt out therein is actually attracted. In the present case there is a valid explanation offered regarding the mistake made by it in not including the aforementioned interstate purchases in the revised returns filed. Also, the authorities appear to be satisfied that these are genuine inter-state purchase transactions with no adverse impact on the revenue of the State. Thirdly, the authority is not precluded from issuing the C-Forms subject to any condition, like the furnishing of an indemnity bond by the dealer. Indeed the Petitioner enclosed such an indemnity bond with its letter dated 10th June 2015.

*20. **For the aforementioned reasons, the Court holds that this was not a case where the Respondent No. 2 was justified in declining to issue C-Forms to the Petitioner. Consequently, the impugned order dated 12th June 2015 issued by Respondent No. 2 is hereby set aside and a direction is issued to the Respondent No. 2 to issue to the Petitioner a C-Form pertaining to the aforementioned inter-state purchase transactions undertaken by it in the third and fourth quarter of FY 2010-11 within a period of three weeks from today**.*

*21. **If the Respondents desire an indemnity bond to be furnished by the Petitioner in any other format, they will communicate such requirement to the Petitioner not later than two weeks from today and proceed to***

<u>issue the aforementioned C-Form not later than three weeks from today subject to the Petitioner furnishing such indemnity bond in revised format</u>."

7. The said order in ***Ingram Micro (supra)*** was also followed in **W.P.(C) 4952/2017** titled ***E.I. Dupont India Pvt. Ltd. v. Commissioner, VAT, Delhi & Anr. (decided on 13th September, 2018),*** wherein the Court had directed as under:

> *"10. For the above reasons, the respondent is directed to issue the concerned F-Forms pertaining to the transactions undertaken by the petitioner in the concerned quarter of Financial Year 2012-13 within four weeks from today.* ***<u>In case the respondents wish to secure an indemnity bond from the petitioner in this regard, a letter or communication should be addressed to the petitioner within two weeks. Subject to these, the F-Forms shall be released within the time spelt out. It is made clear that these directions are subject to the final decision of the Supreme Court in Ingram Micro Pvt. Ltd. (supra) and the other pending appeals</u>***"

8. A similar order was also passed on 20th November, 2018 in ***W.P.(C) 8709/2018*** titled ***Ritika Pvt. Ltd. vs. Commissioner of Trade & Taxes & Anr***.

9. Further, the decision in ***Ingram Micro (supra)*** was challenged before the Supreme Court by way of ***Civil Appeal No. 4573/2017*** titled ***The Commissioner, Department of Trade and Taxes & Anr. v. Ingram Micro India Pvt. Ltd.*** . In the said matter and in the connected batch of matters, the following order was passed by the Supreme Court, on 13th November, 2025.

> *"Leave granted in SLP (C) Nos. 17127/2021, 3405/2022 and 12944/2022.*
>
> *2. We have heard learned senior counsel Ms. Bagchi appearing for the appellant(s)/Department in all*

these cases and learned counsel for the respondents at length.

3. We have also perused the impugned order passed in Civil Appeal No.4573/2017 which order has been followed in the other cases.

4. Learned counsel, Shri Krishnamohan submitted that in Civil Appeal No.4573/2017, there has been compliance of the directions issued by the Division Bench of the Delhi High Court in the impugned order inasmuch as the C-Forms have been issued pursuant to an indemnity bond submitted by the respondent(s)-assessee(s) following which the assessment has also been completed.

5. It is therefore, submitted by other learned counsel appearing for the respondent(s)-assessee(s) that in view of the aforesaid submissions, this Court may not interfere with the impugned order(s) in the other appeals and the directions issued by the High Court may be complied with by the appellant(s) and consequently the C-Forms and F-Forms may be issued. This could be subject to indemnity bonds being submitted by the respondent(s)-assessee(s).

They further submitted that if learned senior counsel appearing for the appellant(s) is intending to make submissions on any substantial questions of law, the same may be kept open having regard to the fact that in Civil Appeal No.4573/2017, there has been compliance of the directions issued by the Delhi High Court and the other impugned orders have simply followed the order passed in Civil Appeal No.4573/2017.

It was further submitted by learned counsel for the respondents that there has also been verification made by the Department insofar as the nature of the inter-State transactions and in certain cases, the assessments have also been completed for the relevant years. Therefore, for this case, this Court may not consider the correctness or otherwise of the impugned orders and re-open the matters as the Assessment Years relate to the years prior to 2016.

By way of response to these submissions, Ms. Bagchi learned senior counsel for the appellant(s)/Department submitted that although there may have been a detailed reasoning given by the Delhi High Court in the impugned order passed in Civil Appeal No.4573/2017, insofar as the other impugned orders are concerned, the High Court has mechanically followed the dictum/order passed by the High Court in Civil Appeal No.4573/2017 and therefore, these cases call for a detailed examination both on the question of law as well as on facts.

6. We have considered the arguments advanced at the Bar.

7. ***We have noted the fact that the order impugned in Civil Appeal No.4573/2017 has been complied with by the appellant(s)-Department. Secondly, the said order has been followed in the subsequent orders passed by the High Court which are also impugned in this batch of cases****.*

8. ***Since the Department has complied with the directions issued by the High Court in its order which is impugned in Civil Appeal No.4573/2017, we find that irrespective of the contentions that***

<u>may arise or that are sought to be advanced by the appellant(s) in these cases, the Department ought to comply with the directions issued in the connected appeals also</u>.

9. In the circumstances, we dispose of these appeals by keeping upon substantial question(s) of law, if any, to be advanced in any other appropriate case.

10. The appeals are disposed of in the aforesaid terms. Consequently, the stay orders granted by this Court stand vacated.

All pending applications including the application(s) for intervention/impleadment also stand disposed of."

10. Considering that the view of this Court in ***Ingram Micro (supra)*** has now not been interfered by the Supreme Court and the question of law has also been left open by the Supreme Court, this Court directs that the 'F' Forms be released to the Petitioner, subject to obtaining indemnity bond as directed in the judgment of ***Ingram Micro (supra)***. If the returns are to be revised for the said purpose, the Petitioner may file the same manually, if the portal doesn't enable the same.

11. The writ petition is disposed of in the aforesaid terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

DECEMBER 15, 2025
kk/msh