



2026:DHC:2775-DB



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

Date of decision: 02nd April, 2026

+ W.P.(C) 3635/2026 & CM APPL. 17745/2026

**M/S MAA JAGDAMBE ENGINEERING
WORKS**

THROUGH ITS PROPRIETOR

SH. NISHANT BANSAL

ADDRESS: 520 A/10, MAHALAXMI COMPOUND,
GT ROAD, DILSHAD GARDEN INDUSTRIAL AREA,
SHAHDARA, DELHI-110095

.....PETITIONER

Through: Mr. Anurag Kishore, (AOR)
with Ms. Ritika Srivastava, Mr.
Lakhan Kr. Mishra, Advocates

Versus

1. **COMMISSIONER OF TRADE & TAXES**
DEPARTMENT OF TRADE & TAXES, GOVERNMENT OF
NCT OF DELHI, VYAPAR BHAWAN, I.P. ESTATE,
NEW DELHI – 110002

.....RESPONDENT NO. 1

2. **ASSISTANT COMMISSIONER / GST OFFICER**
WARD-82, ZONE-7, DEPARTMENT OF TRADE & TAXES,
GOVERNMENT OF NCT OF DELHI, VYAPAR BHAWAN,
I.P. ESTATE, NEW DELHI-110002.

.....RESPONDENT NO. 2

3. **UNION OF INDIA**
THROUGH THE SECRETARY, MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE, NORTH BLOCK,
NEW DELHI - 110001

.....RESPONDENT NO. 3



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**4. COMMISSIONER OF CENTRAL GOODS
AND SERVICES TAX**
DELHI EAST COMMISSIONERATE, C.R. BUILDING,
I.P. ESTATE, NEW DELHI – 110002

.....RESPONDENT NO. 4

Through: Mr. Vishal Chadha, Senior
Standing Counsel for R/CGST
Mr. Sumit K. Batra and Ms.
Priyanka Jindal, Advocates for
R-GNCTD

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. The challenge is to the order dated 18th December, 2025, passed by respondent no. 2- State GST Authority, which is based on the Demand-cum-Show Cause Notice dated 2nd July, 2025.
2. Out of the total 17 entities in respect of which respondent no. 4- CGST Authority issued the Show Cause Notice dated 28th June, 2025; respondent no. 2 proceeded to assess the tax liability of the petitioner in respect of 9 entities, which overlapped with the aforesaid Show Cause Notice.
3. Since the Show Cause Notice issued by respondent no. 4 -CGST Authority was prior in point of time, *i.e.*, dated 28th June, 2025, as compared to the Show Cause Notice issued by respondent no. 2 - State GST Authority dated 2nd July, 2025, the petitioner objected to the



continuation of proceedings against him in terms of the statutory mandate under Section 6 of the Central Goods and Services Tax Act, 2017 (“CGST Act”).

4. Instead of dealing with the same, the impugned order came to be passed on 18th December, 2025, which is challenged before us.

5. Amongst other, primary contention raised by the petitioner is that once the respondent no.4- CGST Authority was seized of the matter in view of the Show Cause Notice dated 28th June, 2025 and the petitioner had objected to the continuation of proceedings before respondent no. 2, in light of the statutory embargo under Section 6 of the CGST Act, respondent no. 2 ought not to have proceeded to pass the impugned order.

6. He would further submit that the impugned order is without jurisdiction, as proceedings under Section 74 of the CGST Act have already been initiated by respondent no. 4- CGST Authority for the financial year 2020-2021, 2021-2022 and 2022-2023.

7. Learned counsel for respondent no. 4- CGST Authority states that the proceedings initiated by the CGST Authority shall hold the field, particularly, as the Show Cause Notice dated 28th June, 2025 issued by respondent no. 4 is prior in point of time. He would claim that it was incumbent upon the State Authority to keep their hands off in the matter in question.

8. While countering both these submissions, learned counsel for respondent no.2 states that the law is quite clear on the aforesaid issue.



According to him, even if the fact that the petitioner failed to bring the Show Cause Notice and other details issued by respondent no. 4 – CGST Authority to the notice of respondent no. 2 is ignored, the authority can still proceed against the petitioner to the extent of the entities covered under the Show Cause Notice. Further, respondent no. 4 – CGST Authority can, in its proceedings, ignore those entities in respect of which the State Authority has already carried out assessment and adjudication. As such, he has sought dismissal of the present proceedings on the ground that an alternate remedy of appeal is also available to the petitioner.

9. Having considered the rival submissions, it is not in dispute that in the Show Cause Notice dated 28th June, 2025 issued by respondent no.4, there are in all nine entities which are overlapping. Admittedly the said notice was issued prior to the Show Cause Notice issued by respondent no.2 *i.e.* on 2nd July, 2025.

10. The said fact was very much brought to the notice of respondent no.2 by the petitioner through a communication dated 22nd July, 2025, which is placed on record at page nos.174 and 175 as Annexure P-4. This objection has not been dealt with by respondent no.2 in the impugned order.

11. We hardly see any counter on the part of the respondent no.2 to the same, but for the very objection that Show Cause Notice issued by respondent no.4- CGST Authority was not made available by the petitioner to them.



12. It is not a fact in dispute that entire documents *qua* the Show Cause Notice and reply are very much available on the GST portal, to which, both the respondents *i.e.*, respondent no.2 and respondent no.4 have access. In such an eventuality, in our opinion, respondent no. 2, having regard to the statutory mandate of Section 6 of the CGST Act, is duty-bound to examine the said portal so as to ascertain the material available on record. Even otherwise, the petitioner had brought to the notice of respondent no. 2 the details of the Show Cause Notice dated 28th June, 2025 issued by respondent no. 4 - CGST Authority.

13. The fact remains that an overlap of entities covered under the Show Cause Notice issued by respondent no. 4 – CGST Authority is borne out from the record and is not in dispute.

14. In the aforesaid view of the matter, we deem it appropriate to quash and set aside the impugned order dated 18th December, 2025.

15. As far as the Show Cause Notice dated 2nd July, 2025 of respondent no.2 issued under Section 73 of the CGST Act is concerned, same is directed to be kept in abeyance.

16. We further direct respondent no.4 - CGST Authority to complete the adjudication against the petitioner within a period of four months from today and copy of the same be made available to respondent no.2, so also to the petitioner.

17. Needless to clarify, once the order of adjudication is made available to respondent no.2, it shall be open for respondent no.2 to take a call *qua* the Show Cause Notice dated 2nd July, 2025 issued under



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Section 73 of the CGST Act having regard to the statutory mandate of Section 6 of the CGST Act.

18. The petition stands allowed in above terms.
19. Pending application, if any, also stands disposed of.
20. A copy of this Judgment be uploaded on the website of this Court.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**AJAY DIGPAUL
(JUDGE)**

APRIL 02, 2026/ay/sk