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

\+ W.P.(C) 5328/2024

M/S CIVICE ENTEPRISE (OPC) PVT. LTD. .....Petitioner

Through: Mr. Pranay Jain, Mr. Karan, Mr. Ramchandra Madan, Mr. Vivek Anand Singh, Mr. Tushar Nigam, Mr. Himanshu Yadav, Mr. Sarthak Verma, Mr. Kunal Jha and Ms. Smridhi Dhaiya, Advocates.

versus

PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX NORTH DELHI & ANR. .....Respondents

Through: Mr. Atul Tripathi, SSC, CBIC with Mr. Shubham Mishra, Mr. Gaurav Mani Tripathi and Mr. Akhay Sagar, Advocates.

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

O R D E R

% **05.02.2026**

1. We have heard respective counsels for the parties at length.

2. Alleging illegal action on the part of the respondents in the matter of freezing of bank account vide request dated 13th March, 2023 addressed to the Axis Bank and by another communication dated 11th March, 2024, the petitioners have approached before this Court against the respondents-Revenue alleging violation of the statutory rights/protection under Section 83 of the Central Goods and Service Tax Act, 2017 (in short, “Act, 2017”).

3. The contentions are that the request for freezing shall operate only for

a period of one year. It is claimed that there cannot be repeated freezing of the account, in case, if there is a failure on the part of respondent to complete the investigation within the time stipulated.

4. It is urged that recourse cannot be directly taken to section 83 of the Act of 2017 for repeated attachment, freezing of the account.

5. Drawing support from the judgment of the Apex Court in the matter of ***Kesari Nandan Mobile Vs. Office of Assistant Commissioner of State Tax:*** (2025) 145 GSTR 576 decided on 14th August, 2025, it is urged that the issue is squarely covered.

6. As against above, the counsel for the respondent states that having regard to the Scheme of Section 83 of the Act, the Court may pass an appropriate order in the matter.

7. It is not in dispute that the period for which the freezing was ordered was already over and it was incumbent on the part of the respondent to conduct themselves in accordance with a statutory mandate provided under the Section 83 of the Act of 2017.

8. As regards the impact of Section 83 particularly sub-section 1 and sub-section 2 is already looked into by the Apex Court in the matter of ***Kesari Nandan Mobile*** *(supra).*

9. The Apex Court was of the view that the issue is already settled qua the provisions interpretation of sub-section 1 of Section 83 whereas in paragraph 39 of the said judgment which reads thus:

> *"39. The appellant's argument that the Parliament, being cognizant of other taxing statutes, deliberately chose not to incorporate an extension provision in the section, also carries considerable merit. The procedure of provisional*

attachment is not alien to tax jurisprudence. Such pre-emptive measure can be found in several statutes, including the Customs Act and the Excise Act, and the Income Tax Act, 1961 as well. Ergo, when the statue does provide for an extension, the authority thereunder is free to do so, subject to such restrictions as may be imposed. Conversely, when a statute does not provide for an extension, renewal, re-issuance, revival — whatever be the nomenclature — the executive cannot overreach the statute to do so."

10. It has observed that the statute does not provide for an extension, the authority thereunder to freeze to do so subject to such restrictions as may be imposed.

11. In view of the aforesaid, the writ petition is allowed in terms of prayer clause (a). The de-freezing be carried out forthwith.

NITIN WASUDEO SAMBRE, J

AJAY DIGPAUL, J

FEBRUARY 5, 2026
Rr/ab/st