(2023) 03 TEL CK 0029

In the Telangana High Court

Case No : Writ Petition No. 6587 Of 2023

Creative Koven Developers LLP — APPELLANT

Vs

Commissioner Of Central Tax — RESPONDENT

Date of Decision : 17-03-2023

Acts Referred:

Constitution Of India, 1950 — Article 226
Central Goods and Services Tax Rules, 2017 — Rule 159, 159(5)
Central Goods and Services Tax Act, 2017 — Section 83

Citation : (2023) 03 TEL CK 0029

Hon'ble Judges : Ujjal Bhuyan, CJ;N. TukaramjI, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Heard Mr. S.Ravi, learned Senior Counsel for the petitioner and Mr. Dominic Fernandes, learned counsel for respondents No.1 to 4.

2. This petition has been filed under Article 226 of the Constitution of India assailing the legality and validity of the notices dated 14.02.2023 issued by respondent No.1 addressed to the bankers of the petitioner i.e., respondents No.5, 6 and 7 provisionally attaching bank accounts of the petitioner under Section 83 of the Central Goods and Services Tax Act, 2017 (briefly, ‘the CGST Act’ hereinafter).

3. On 13.03.2023 we had passed the following order:

In the course of the argument, two things have transpired. Firstly, outstanding Goods and Services Tax (GST) of the petitioner allegedly not paid would be to the tune of Rs.8,42,00,000.00 as disclosed by the petitioner.

Out of this, petitioner has deposited more than Rs.5 crores. Secondly, under Rule 159 of the Central Goods and Services Tax Rules, 2017, more particularly Sub-Rule (5), petitioner has filed objection before the 1st respondent against the invocation of power under Section 83 of the Central Goods and Services Tax Act,

2017. Personal hearing was also granted to the petitioner.

That being the position, we direct 1st respondent to pass an appropriate order under Rule 159 of the Central Goods and Services Tax Rules, 2017 and place the same before the Court on 17.03.2023 with advance copy to learned counsel for the petitioner.

List on 17.03.2023 as the first item.

4. When the matter is called upon today, we have been informed that Commissioner, Ranga Reddy GST Commissionerate, has passed Order No.1/2023 dated 15.03.2023 under Rule 159(5) of the Central Goods and Services Tax Rules, 2017.

5. We have perused the order dated 15.03.2023. At the end of a long narration, Commissioner has released the bank accounts of the petitioner from provisional attachment.

6. To that extent, grievance raised by the petitioner stands redressed.

7. However, Mr. S.Ravi, learned Senior Counsel for the petitioner submits that in the course of the narration, Commissioner of Ranga Reddy GST Commissionerate has made certain observations, which may come in the way of a fair adjudication in the assessment proceedings.

8. Needless to say, observations made by the Commissioner of Ranga Reddy GST Commissionerate while passing the order dated 15.03.2023 was in the context of examining the objection raised by the petitioner to provisional attachment of bank accounts under Section 83 of the CGST Act and certainly those would not influence the assessment proceedings that may be initiated against the petitioner, which will be done in accordance with law.

9. This disposes of the writ petition.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.