(2025) 10 DEL CK 1357

In the Delhi High Court

Case No : Writ Petition (C) No. 16259 Of 2025 & Civil Miscellaneous Application No. 66504 Of 2025

GMG Tradelink Pvt. Ltd — APPELLANT

Vs

Directorate General Of GST Intelligence Hq & Ors — RESPONDENT

Date of Decision : 27-10-2025

Acts Referred:
Constitution of India, 1950 — Article 226
Central Goods and Services Tax Act, 2017 — Section 83, 122(1A)
Central Goods and Services Tax Rules, 2017 — Rule 159(5)

Citation : (2025) 10 DEL CK 1357

Hon'ble Judges : Prathiba M. Singh, J;Shail Jain, J

Bench : Division Bench

Advocate : Yatharth Rohila, Nihal Singh Shekhawat, Kanak Kaushal, Harpreet Singh, Suhani Mathur, Jai Ahuja

Final Decision : Allowed

Judgement

Prathiba M. Singh, J

1. This hearing has been done through hybrid mode.

CM APPL.66505/2025 (Exemption)

2. Allowed, subject to all just exceptions. Application stands disposed of.

W.P.(C) 16259/2025 & CM APPL.66504/2025 (stay)

3. The present petition has been filed by the Petitioner - M/S GMG Tradelink Pvt. Ltd. under Article 226 of the Constitution of India, inter alia, assailing the impugned order dated 6th March, 2025 passed by the Principal Additional Director General, Directorate General of GST Intelligence, Head quarters (hereinafter, ‘impugned order’).

4. Vide the impugned order, Petitioner’s current accounts in ICICI Bank Ltd., Bhiwani Mandi Branch, bearing No.s 360005000924 and 3600055000149 have

been provisionally attached.

5. Ld. Counsel for the Petitioner submits that the impugned order, directing provisional attachment of the Petitioner's bank accounts, was passed by the Principal Additional Director General, Directorate General of GST Intelligence, Head quarters.

6. Further, it is submitted on behalf of the ld. Counsel for the Petitioner that the aforesaid Authority is not duly authorized under Section 83 of the Central Goods and Services Tax Act, 2017 (hereinafter, 'CGST Act'), to exercise such powers.

7. Section 83 of the CGST Act reads as under:

"Section 83. Provisional attachment to protect revenue in certain cases.

[(1)Where, after the initiation of any proceeding under Chapter XII, Chapter XIV or Chapter XV, the Commissioner is of the opinion that for the purpose of protecting the interest of the Government revenue it is necessary so to do, he may, by order in writing, attach provisionally, any property, including bank account, belonging to the taxable person or any person specified in sub-section (1A) of section 122, in such manner as may be prescribed.]

(2) Every such provisional attachment shall cease to have effect after the expiry of a period of one year from the date of the order made under sub-section (1)."

8. Additionally, ld. Counsel on behalf of the Petitioner submits that the Petitioner has filed an application raising objections against the provisional attachment, dated 2nd September, 2025, before the Commissioner, DGGI, New Delhi, under Rule 159(5) of the Central Goods and Services Tax Rules, 2017. The said objections relate to the competence of the Authority directing provisional attachment of Petitioner's bank accounts.

9. Issue notice. Mr. Harpreet Singh, ld. SSC accepts notice on behalf of the Respondent.

10. Ld. SSC on behalf of the Respondents has placed on record Notification No. 14/2017 dated 1st July, 2017, issued by Ministry of Finance, Department of Revenue, Central Board of Excise and Customs (hereinafter, 'Notification dated 1st July, 2017), to the effect that the Principal, Additional Director General, Goods and Services Tax Intelligence is equivalent to Principal Commissioner, Goods and Services Tax.

11. In this regard, Notification dated 1st July, 2017 reads as under:

12. Heard. In view of the aforesaid Notification dated 1st July, 2017, the above plea made by the Petitioner would not be sustainable.

13. Additionally, the Petitioner is permitted to file fresh objections in respect of the provisional attachment, and upon filing of the same, the reasons of the provisional attachment shall be communicated to the Petitioner within a period of two weeks.

14. Upon such communication, all remedies of the Petitioner shall be left open to be availed of in accordance with law.

15. Accordingly, the present writ petition is disposed of in above terms. The pending applications, if any, are also disposed of.