(2024) 11 RAJ CK 1295

In the Rajasthan High Court, Jodhpur Bench

Case No : Civil Writ Petition No. 14894 Of 2024

M/S Baba Minerals APPELLANT

Vs

Union Of India RESPONDENT

Date of Decision : 22-11-2024

Acts Referred:
Rajasthan Panchayati Raj Rules, 1996 — Rule 283

Citation : (2024) 11 RAJ CK 1295

Hon'ble Judges : Arun Monga, J

Bench : Division Bench

Advocate : Rajesh Choudhary

Final Decision : Allowed

Judgement

Avneesh Jhingan, J

1. This petition is filed seeking quashing of show cause notice dated 31.07.2024 bearing No. F.No.DGGI/INT/INTL/927/2023-GRA.

2. The brief facts are that the petitioner is a registered dealer under the Goods and Services Tax Act, 2017 (for short 'the Act of 2017'). A show cause notice dated 31.07.2024 was issued by the Deputy Director, Office of Directorate General of Goods and Services Tax Intelligence, Jaipur Zonal Unit (for short 'DGGSTI'). Hence, the present petition.

3. Learned counsel for the petitioner submits that the allocation of the petitioner is of the State jurisdiction. The Deputy Director of DGGSTI cannot be an Adjudicating Authority. Reliance is placed upon Section 6(1) of the Act of 2017.

4. Learned counsel for the respondent submits that as a result of the intelligence input received, investigation and the searches carried out, it was found that the petitioner is indulging in generating fake Input Tax Credits (ITC) by doing cash transactions and relying upon the fake invoices issued. The contention is that as per the circular dated 09.02.2018 the Central Tax Officers of Audit

Commissionerates and DGGSTI shall have power to issue show cause notice.

5. The challenge in the present petition is only to the show cause notice. The allegations against the petitioner in the show cause notice are based upon the facts and needs factual determination.

6. The petitioner has filed this petition even without filing the reply to the show cause notice.

7. For determining the contention that DGGSTI cannot be adjudicating authority the writ is premature and is dismissed accordingly.