
(2021) 02 JH CK 0221

In the Jharkhand High Court

Case No : Writ Petition (T) No. 1989 Of 2020

Rani Sati Smelters Private Limited

APPELLANT

Vs

Union of India & others

RESPONDENT

Date of Decision : 02-02-2021

Acts Referred:

Citation : (2021) 02 JH CK 0221

Hon'ble Judges : Aparesh Kumar Singh, J;Anubha Rawat Choudhary, J

Bench : Division Bench

Advocate : Sumeet Gadodia, Ashish Shekhar, Amit Kumar, Ratnesh Kumar, Anoop Kumar Mehta

Judgement

1. Learned counsel for the petitioner submits that the issue involved in the present writ petition is similar to WPT No. 1990/2020. It is submitted that Electronic Credit Ledger of the petitioner has been blocked.
2. Despite time granted on 12.10.2020, no counter affidavit has been filed by the Respondent No. 3-Directorate General of Goods and Service Tax.
3. Learned counsel for the petitioner further prays that I.A. No. 4308/2020 may be allowed, since Respondent No. 3 has issued Memo No. 2531 dated 25/29.06.2020, restricting the use of amount available in the Electronic Credit Ledger of the petitioner on the ground that the Respondent No. 4 has not paid GST liability to the Government Exchequer, though GSTR-2A Return with respect to the said transaction reflects that returns have been duly submitted by the petitioner-supplier. Such action on the part of the Respondent No. 3 is also necessary to be assailed in the instant writ petition relating to the same cause of action. Therefore, prayer made under para-11 of the instant I.A. be also allowed to be incorporated under para-1 of the writ petition and the relief portion. Other averments made at Para- 12 of this I.A. may also be allowed to be incorporated.
4. Having considered the submissions of learned counsel for the parties, prayer made in the instant I.A. is allowed. I.A. No. 4308/2020 shall form part of the

record. I.A. No. 4308/2020 stands disposed of. In view of order passed in the instant I.A, prayer made in I.A. No. 4282/2020 has been rendered infructuous and it is disposed of as such.

5. Learned counsel for the Respondent No. 3 submits that he would be filing common counter affidavit to both the main application and the instant I.A. within two weeks. Let it be filed by 18th February 2021 with copy to the other side.

6. Respondent No. 4-M/s Maithan Ispat Ltd. is the same Respondent in WPT No. 1990/2020 in which they have entered appearance, but notice have been refused in the instant matter. The said matter was taken up yesterday and ordered to be listed on 24.02.2021. Mr. Anoop Kumar Mehta, learned counsel who appeared for Respondent No. 4 in WPT No. 1990/2020 on behalf of Respondent No. 4 is present through virtual mode today as well. Respondent No. 4 in WPT No. 1990/2020 has been granted time to file counter affidavit by 18th February 2021. Mr. Mehta shall seek instruction from the Respondent No. 4 and if so instructed, would file counter affidavit in the instant matter also by 18th February 2021. Learned counsel for the petitioner, if necessary, may file reply to the counter affidavit of the Respondents by 22.02.2021.

7. Mr. Gadodia, learned counsel for the petitioner, undertakes to serve copy of the entire pleadings including I.A and Annexures in two sets to the learned counsel Mr. Anoop Kumar Mehta by tomorrow.

Matter be listed on 24.02.2021.

Let the name of Mr. Anoop Kumar Mehta, learned counsel be reflected in the cause list on behalf of Respondent No. 4 henceforth.