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

Date of Decision: 17th April, 2025

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W.P.(C) 4825/2025 & CM APPL. 22148/2025

M/S PRINCE DIAMOND JEWELLERS PRIVATE LIMITED

.....Petitioner

Through: Mr. Akshay Allagh, Adv.

versus

GOODS AND SERVICE TAX OFFICER, DELHI DEPARTMENT OF TRADE AND TAXES, GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sumit K. Batra, Adv. for GNCTD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- M/s Prince Diamond Jewellers Private Limited under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ assailing the impugned order dated 14th December 2023 (hereinafter, '*impugned order*') passed by the Respondent No. 1. The impugned order was passed pursuant to a show cause notice dated 24th September 2023 (hereinafter, '*SCN*').
3. *Vide* the said impugned order, a demand has been raised to the tune of Rs.7,88,611/-. The ground on which the said demand has been raised is that there is an excess claim of Input Tax Credit (hereinafter, '*ITC*') as per an analysis of the Goods and Service Tax (hereinafter, '*GST*') records of the Petitioner.
4. The case of the Petitioner is that the Petitioner never came to know of



the SCN. Further, no reply was filed by the Petitioner to the said SCN and the impugned order has been passed by the Respondent No. 1. It is further the case of the Petitioner that he came to know of the SCN and the impugned order recently on 13th March, 2025. The pleading in respect thereof is set out below:

“xxx xxx xxx

That the Petitioner became aware of the aforementioned unsigned Show Cause Notice and impugned order recently when he visited the Office of Respondent No.1 (Ward No.83) on 13.03.2025 in connection with some other matter of the Petitioner.”

5. The further allegation of the Petitioner is that the SCN was uploaded on the *Additional Notices Tab* on the Respondent’s Portal. However, the Petitioner is unable to produce any screenshot to demonstrate the same.
6. Ld. Counsel for the Respondent submits that the Notification Nos. 9/2023-State Tax dated 22nd June, 2023, 56/2023-Central Tax dated 28th December, 2023 and 56/2023 –State Tax dated 11th July, 2024 have also been challenged in the present case, but he does not wish to press the challenge to the said notifications.
7. Ld. Counsel further submits that he may be permitted to file an appeal challenging the impugned order.
8. Mr. Batra, on behalf of the Respondent submits that the appeal would be barred by limitation.
9. As per Section 107(1) of the Central Goods and Service Tax Act, 2017 (hereinafter, ‘CGST Act’), the limitation for filing an appeal is three months, which is extendible by one more month as per Section 107(4) of the CGST Act. The Court has considered the matter. In terms of the impugned order,



the Petitioner has to pay a demand of Rs.7,88,611/-, including interest and penalty, which is a substantial sum.

10. On one hand, in terms of Notification 9/2023-State Tax dated 22nd June, 2023, 56/2023-Central Tax dated 28th December, 2023 and 56/2023 –State Tax dated 11th July, 2024, the limitation for passing of the order-in-original by the Adjudicating Authority has been extended. Though the challenge to the said notifications is not being pressed, in this Petition, this Court is of the opinion that considering the nature of the demand, the Petitioner ought to be given an opportunity to assail the order on merits and place its stand.

11. Under these circumstances, this Court is not inclined to interfere with the impugned order. However, considering the plea that the Petitioner came to know of the impugned order only in March, 2025, the Petitioner is permitted to file an appeal challenging the impugned order, after making the pre-deposit in terms of Section 107 of the CGST Act.

12. If the appeal is filed within the 30 days period, the same shall be not dismissed on the ground of limitation and shall be adjudicated on the merits.

13. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

APRIL 17, 2025

Rahul/ck