

Krishan Pal Singh v. The Additional Commissioner, Delhi West Commissionerate & Anr.

Writ against a penalty-only order arising from a pre-01.10.2025 SCN – merits relegated to appeal, but 10% penalty pre-deposit under the substituted proviso to Section 107(6) not insisted upon.

Date of Order: September 21, 2026
Case Law No: GIB-DHC-2026-129
Source: GST INDIA Biz (www.gstindia.biz)

CASE DESCRIPTION / SUMMARY

Background

The petitioner sought quashing of the Order-in-Original dated 31.01.2025 (alleged to be non-speaking and in breach of natural justice) and of the SCN dated 26.07.2024, a declaration that the amended pre-deposit provisions under Sections 107(6) and 112(8) effective from 01.10.2025 cannot apply to proceedings arising from earlier SCNs, and alternatively waiver of pre-deposit. He was alleged to have created and controlled 13 firms through which ITC of Rs.30,50,13,190/- was passed on; a common order running into over 300 pages was passed against 81 noticees, and qua the petitioner it imposed penalty only, without any tax demand.

Final Verdict

The Court declined to examine in writ jurisdiction whether the impugned order adequately dealt with the petitioner's contentions, as that requires examination of facts and merits and a statutory appeal under Section 107 of the CGST Act is available. On pre-deposit, however, the Court held the issue covered by Gaurav Jain (Delhi HC): **since the SCN was issued on 26.07.2024 (prior to 01.10.2025) and the order is penalty-only qua the petitioner, the appellate remedy is governed by Section 107(6) as it stood on the date of the SCN.** Accordingly, if the appeal is filed within two weeks, the Appellate Authority shall consider it in accordance with law without insisting on deposit of 10% of the disputed penalty under the substituted proviso. The writ petition was disposed of with these observations (challenge on merits not entertained; pre-deposit relief granted).

© 2026 GST INDIA Biz. All rights reserved.

GST INDIA BIZ