Genesis Enterprises v. Principal Commissioner, CGST Delhi East

Challenge to a search and seizure at the residence and business premises of a family group, and to the conduct of the officers.

Date of Order: September 15, 2025
Case Law No: GIB-DHC-2025-74
Source: GST INDIA Biz (www.gstindia.biz)

CASE DESCRIPTION / SUMMARY

Background

The petitions were filed by firms of the Gumber family against searches under Section 67 of the CGST Act at their residence and premises. They alleged an unauthorised search, a defective panchnama, seizure of CCTV footage intruding on family privacy, entry into the business premises through a tenant, WhatsApp communications by officers, and payments and withdrawal of refund claims made under coercion.

Final Verdict

The Court found that the reasons to believe were recorded in the original file on intelligence that five firms had filed improper refund claims, and **it could not be held at this stage that the proceedings under Section 67 were violative of or contrary to law.** The inspection, search and seizure were rightly resorted to in view of the maze of entities. The question of coercion or duress was left to proper proceedings.

The Court nevertheless issued safeguards: CCTV footage of the residence is to be accessed only in the presence of a family member and only relevant footage copied; access to premises through a tenant is not permissible without the knowledge of the searched person, and locks may be broken only after recording reasons under Section 67(4); official communication must be by email in the prescribed mode and WhatsApp should be avoided. The payments will depend on the outcome of the show cause notices.

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