



2026:DHC:4913-DB



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

Date of decision: 29th May, 2026

+ W.P.(C) 7725/2026&CM APPL. 37364/2026

1. M/S. PEI INDUSTRIES

THROUGH ITS PROPRIETOR, SH. NISHANT BANSAL
520/8, MAHALAXMI COMPOUND, DILSHAD
GARDEN ROAD, DILSHAD GARDEN INDUSTRIAL
AREA, NEW DELHI, SHAHDARA, DELHI - 110095

...PETITIONER NO. 1

2. M/S. MAA JAGDAMBE ENGG WORKS

THROUGH ITS PROPRIETOR, SH. NISHANT
BANSAL 520 A/10, MAHALAXMI COMPOUND,
G.T. ROAD, DILSHAD GARDEN INDUSTRIAL
AREA, SHAHDARA, EAST DELHI, DELHI -110095

...PETITIONER NO. 2

3. M/S. ANSH ASSOCIATES

THROUGH ITS KARTA, SH. TIKA RAM BANSAL
(HUF) L-1, KHASRA NO. 69, MANDOLI
INDUSTRIAL AREA, VILLAGE MANDOLI, EAST
DELHI, DELHI - 110093

...PETITIONER NO. 3

Through: Mr. Anurag Kishore, Mr.
Lakhan Kr. Mishra and Ms.
Ritika Srivastava, Advocates

Versus

1. UNION OF INDIA

THROUGH THE SECRETARY, MINISTRY OF
FINANCE, DEPARTMENT OF REVENUE, NORTH
BLOCK, NEW DELHI - 110001

...RESPONDENT NO. 1

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2. **COMMISSIONER OF CENTRAL
GOODS AND SERVICES TAX DELHI**
EAST COMMISSIONERATE, C.R. BUILDING, I.P.
ESTATE, NEW DELHI - 110002
...RESPONDENT NO. 2
3. **ADDITIONAL COMMISSIONER
(ADJUDICATION) CGST**
DELHI EAST COMMISSIONERATE C.R. BUILDING,
I.P. ESTATE, NEW DELHI – 110002
...RESPONDENT NO. 3
4. **COMMISSIONER OF TRADE &
TAXES DEPARTMENT OF TRADE & TAXES,**
GOVERNMENT OF NCT OF DELHI, VYAPAR
BHAWAN, I.P. ESTATE, NEW DELHI – 110002
...RESPONDENT NO. 4
5. **ASSISTANT COMMISSIONER / GST
OFFICER WARD-82, ZONE-7, DEPARTMENT
OF TRADE & TAXES, GOVERNMENT OF NCT OF
DELHI, VYAPAR BHAWAN, I.P. ESTATE, NEW
DELHI – 110002**
...RESPONDENT NO. 5

Through: Mr Abhishek Maratha, Senior
Panel counsel of UOI with Ms
Nupur Sharma, Advocate for R-
1/UOI.
Mr. Sumit K. Batra, and Ms.
Priyanka Jindal, Advocate for
R-GNCTD

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE AJAY DIGPAUL

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JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. Heard.
2. The Order in Original dated 30th March, 2026 is questioned by the petitioner on the ground that proceedings are barred under Section 6(2)(b) of the CGST Act, 2017 (hereinafter shall be referred to as '*the Act*'). Drawing support from order of the State GST Authorities, in exercise of powers under section 73 of the Act, it is the contention of counsel for petitioner that on the very same set of documents, the State GST Authorities have closed the proceedings. It is further urged that the proceedings under Section 74 of the Act are initiated by the respondent-Central GST Authorities based on very same set of evidence. It is urged that though the petitioner has provided set of documents, which were formed to be the basis for closure of the proceedings under Section 73 of the Act by the State GST Authorities, the respondent-Central GST Authorities have refused to accept the same. He would further urge that the additional documents which the respondents were intending to obtain from the petitioner, no notices to that effect was given to him. As such, it is urged that not only the order is discriminatory viz. violation of Article 14, but also violates the rights of petitioner as the petitioner is treated indiscriminately. It is also urged that out of the four dates for personal hearing as noted in the impugned order, the hearing was granted only on two days. It is the contention of learned counsel for petitioner that even the documents which were produced have been inappropriately appreciated.

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3. As against above, learned counsel for respondents have raised a preliminary objection on account of maintainability of the petition as it is urged that Statute provides for an alternate effective remedy. It is urged that proceedings under Section 73 and 74 of the Act are conducted in an altogether different arena. So as to substantiate said contention, reliance is placed on the language employed in each of these two sections.

4. According to learned counsel for respondents, appreciation of evidence is an issue which can be borne into by the Appellate Authority and this Court should not infer from the factual matrix which are referred to in the impugned order and the evidence thereof, to claim that it is open for the Court to reappraise the evidence. According to him, same shall be left to the discretion of the Appellate Authority.

5. It is further urged that the hearing was granted and a speaking order is passed in the matter and, merely, because appreciation of evidence is not to the comfort of petitioner, that by itself, will not lead to the conclusion that the evidence has been inappropriately appreciated. As such, dismissal of petition is sought.

6. Learned counsel for petitioner, in rejoinder, states that in case if the petitioner is relegated to alternate statutory remedy, he will be burdened with payment of statutory pre-deposit.

7. Having appreciated aforesaid submissions, we have looked into the claim put forth by petitioner.

8. Amongst other, it is the contention of the petitioner that order passed by State GST Authorities under Section 73 of the Act was duly looked into in light of the other documents which were submitted by

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petitioner in response to the Show Cause Notice and the respondents have passed an indifferent order than the order passed by State GST Authorities based on the very same set of documents. It is further urged by him that the petitioner should have been given an opportunity to produce additional documents so as to substantiate the claim made.

9. It is apparent that Section 73 and Section 74 of the Act operates in different arenas. The language of said sections, recourse to be taken in regard to said sections, can very well be looked into by its face value.

10. Just because the petitioner was exonerated in the proceedings under Section 73, by itself, cannot lead to the petitioner being proceeded against by the Central GST Authorities under Section 74 of the Act. Both these sections operate on altogether different considerations.

11. Apart from above, the material that was placed on record by petitioner in response to Show Cause Notice is very much independently available for scrutiny and appreciation.

12. In addition to above, learned counsel for petitioner has stated that once the material produced on record was found to be sufficient by State GST Authorities, it was binding on the Central GST Authorities to take the same into account for closure of proceedings under Section 74 of the Act.

13. Appreciation, re-appreciation of evidence in regard to same are vested with the competent authorities. It is not in dispute that jurisdiction of Appellate Authority is restricted, rather it can be inferred from the very language of the jurisdiction vested in the



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Appellate Authority that it can reappreciate the entire evidence and if so required, may permit the petitioner to produce additional evidence.

14. Merely because the petitioner shall be burdened with the satisfaction of condition of statutory pre-deposit, that by itself, cannot give leverage to the petitioner to claim before this Court that inappropriate appreciation of evidence or non-grant of sufficient opportunity to produce additional evidence to the satisfaction, amounts to denial of personal hearing. Re-appreciation and production of additional evidence can be very well looked into by the Appellate Authority.

15. In that eventuality, we see no reason to exercise writ jurisdiction in the present matter, particularly, when the proceedings are barred by statutory remedy of appeal.

16. As such, the petition stands dismissed.

17. Pending application, if any, also stands dismissed accordingly.

18. Let the appeal, if any preferred by the petitioner, be dealt with on its own merits.

19. A copy of this Judgment be uploaded on the website of this Court.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**AJAY DIGPAUL
(JUDGE)**

MAY29, 2026/ay/ok