CGHC010043272026 2026:CGHC:39456

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPT No. 11 of 2026

1 - Shree Hanumant Steel Traders Kanhaiya Lal Bazar Ward, Ward No. 08, Naya Talab, Gudhiyari, Raipur, C.G., 492001, Represented Through Proprietor Shri Kamal Kishor Agrawal, Aged About 40 Years S/o Shri Mahavir Prasar Agrawal, R/o Near Patahak Kirana Store, Naya Talab, Gudhiyari Raipur, Chhattisgarh 492001

2 - Shri Kamal Kishor Agrawal S/o Shri Mahavir Prasar Agrawal Aged About 40 Years R/o Near Patahak Kirana Store, Naya Talab, Gudhiyari Raipur, Chhattisgarh 492001

--- **Petitioner(s)**

versus

1 - Assistant Commissioner Circle-5, Division - 1, State Goods And Services Tax, Civil Lines, Raipur, Chhattisgarh

--- **Respondent(s)**

WITH

WPT No. 15 of 2026

1 - Shree Hanumant Steel Traders Kanhaiya Lal Bazar Ward, Ward No. 08, Naya Talab, Gudhiyari, Raipur C.G. 492001, Represented Through Proprietor Shri Kamal Kishor Agrawal, Aged About 40 Years, S/o. Shri Mahavir Prasar Agrawal, R/o. Near Patahak Kirana Store, Naya Talab, Gudhiyari, Raipur C.G. 492001.

2 - Shri Kamal Kishor Agrawal, S/o. Shri Mahavir Prasar Agrawal, Aged About 40 Years R/o. Near Patahak Kirana Store, Naya Talab, Gudhiyari Raipur, Chhattisgarh 492001

---**Petitioner(s)**

Versus

1 - Assistant Commissioner Circle-5, Division-1, State Goods And Services Tax, Civil Lines, Raipur C.G.

--- **Respondent(s)**

WITH

WPT No. 12 of 2026

1 - Shree Hanumant Steel Traders Kanhaiya Lal Bazar, Ward No. 08, Naya Talab, Gudhiyari, Raipur C.G. 492001, Represented Through Proprietor Shri Kamal Kishor Agrawal, Aged About 40 Years, S/o Shri Mahavir Prasar Agrawal, R/o Near Patahak Kirana Store, Naya Talab, Gudhiyari Raipur, C.G. 492001.

2 - Shri Kamal Kishor Agrawal S/o Shri Mahavir Prasar Agrawal Aged About 40 Years R/o Near Patahak Kirana Store, Naya Talab, Gudhiyari Raipur, C.G. 492001.

---**Petitioner(s)**

Versus

1 - Assistant Commissioner Circle-5, Division-1, State Goods And Services Tax, Civil Lines, Raipur C.G.

--- **Respondent(s)**

For Petitioners	**:**	Mr. Palash Soni, Advocate along with Mr. Shiv Kumar Soni, Advocate and Mr. Prashant Dansena, Advocate
For Respondent	**:**	Ms. Anuradha Jain, Dy. G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

09.09.2026

1) In this batch of writ petitions, petitioners have challenged the respective notices issued by the respondent under Section 74(9) of GST Act, 2017 dated 16.10.2025.

2) Mr. Palash Soni, learned counsel appearing for the petitioners submits that the issue involved in the present cases is no more res integra and the Hon'ble Supreme Court in the matter of **Tata**

Steels Ltd. Versus Union of India[1] held that the foundational facts which led to the inference arrived at of fraud/ wilful misrepresentation/ suppression should be evident from the notice itself. He further submits that the impugned notices lack such foundational facts therefore the same deserve to be quashed. He prays to allow these writ petitions.

3) On the other hand, Ms. Anuradha Jain, learned State counsel submits that the respondent authority has issued the respective notices describing the amounts as the petitioner availed input tax credit by issuing fake invoices without actual supply of goods. She further submits that the authority concerned has appropriately depicted the foundational facts and petitioners have efficacious alternative remedy available in their favor to prefer respective appeals u/s 107 of GST Act.

4) I have heard learned counsel for the parties and perused the material available on record.

5) A careful perusal of the impugned notices would reveal that the authority concerned failed to assign sufficient reasons while issuing the respective notices under Section 74(9) of GST Act, 2017. Hon'ble Supreme Court while dealing with the similar issue in **Tata Steels Ltd.** (supra) held as under :-

> **14.** It is not mere lip service to the provisions that is intended when an extended limitation period is provided for

1. **[2026] 189 taxmann.com 520 (SC)**

> recovering an excess benefit availed, short payment or excess refund, from the assessee, especially when the allegation is of fraud/ wilful misrepresentation/ suppression. The foundational facts which led to the inference arrived at of fraud/ wilful misrepresentation/ suppression should be evident from the notice itself. The mere employment of such words will not indicate an application of mind, upon which alone the satisfaction can be arrived at. The words are not to be mechanically recited in the notice to enable recovery outside the normal limitation provided under the statute.

6) In view of the aforesaid discussion and the established legal position, respective notices issued by the respondent under Section 74(9) of GST Act, 2017 dated 16.10.2025 are hereby quashed.

7) Accordingly, these writ petitions are **allowed**. However, respondent authority would be at liberty to issue fresh notices strictly in accordance with law, if so advised.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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Digitally signed by AJINKYA PANSARE
Date: 2026.09.09 16:57:14 +0530