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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of decision: 10<sup>th</sup> September, 2025*

+ **W.P.(C) 13861/2024 & CM APPL. 58025/2024**  
LOGICA INFOWAY LTD. FORMERLY KNOWN AS EASTERN  
LOGICA INFOWAY LTD. ....Petitioner  
Through: Mr. Rajesh Jain, Mr. Virag Tiwari, Mr.  
Ramesh Johri, Mr. Rishabh Jain, Mr.  
Ramashish and Ms. Tanya Saraswat,  
Adv. (M:9810042928)

versus

THE UNION OF INDIA REVENUE SECRETARY, MINISTRY OF  
FINANCE & ORS. ....Respondents  
Through: Mr. K.G. Gopalakrishnan, SSC.

**CORAM:**  
**JUSTICE PRATHIBA M. SINGH**  
**JUSTICE SHAIL JAIN**

### **JUDGMENT**

#### **Prathiba M. Singh, J.**

1. This hearing has been done through hybrid mode.
2. The Petitioner- Logica Infoway Ltd. formerly known as Eastern Logica Infoway Ltd. has filed the present petition under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking quashing of the impugned order dated 29<sup>th</sup> August, 2024 passed by the Sales Tax Officer Class II/AVATO, Delhi (*hereinafter*, '*impugned order*') for the Financial Year 2019-20. The present petition also challenges the Show Cause Notice (*hereinafter*, '*SCN*') dated 20<sup>th</sup> May, 2024.
3. Additionally, the present petition also challenges the *Notification No.9/2023- Central Tax dated 31<sup>st</sup> March, 2023, Notification No.56/2023- Central Tax dated 28<sup>th</sup> December, 2023 & Notification No.56/2023- State Tax*



*dated 11<sup>th</sup> July, 2024* (hereinafter, ‘*the impugned Notifications*’).

4. In the present case, a demand to the tune of Rs.2,48,82,739/- has been raised against the Petitioner for the tax period from April, 2019 to March, 2020.

5. The challenge in the present petition is similar to a batch of petitions wherein *inter alia*, the impugned notifications were challenged. ***W.P.(C) No. 16499/2023*** titled ***DJST Traders Private Limited v. Union of India &Ors.*** was the lead matter in the said batch of petitions. On 22<sup>rd</sup> April, 2025, the parties were heard at length *qua* the validity of the impugned notifications and accordingly, the following order was passed:

*“4. Submissions have been heard in part. The broad challenge to both sets of Notifications is on the ground that the proper procedure was not followed prior to the issuance of the same. In terms of Section 168A, prior recommendation of the GST Council is essential for extending deadlines. In respect of Notification no.9, the recommendation was made prior to the issuance of the same. However, insofar as Notification No. 56/2023 (Central Tax) the challenge is that the extension was granted contrary to the mandate under Section 168A of the Central Goods and Services Tax Act, 2017 and ratification was given subsequent to the issuance of the notification. The notification incorrectly states that it was on the recommendation of the GST Council. Insofar as the Notification No. 56 of 2023 (State Tax) is concerned, the challenge is to the effect that the same was issued on 11<sup>th</sup> July, 2024 after the expiry of the limitation in terms of the Notification No.13 of 2022 (State Tax).*

*5. In fact, Notification Nos. 09 and 56 of 2023 (Central Tax) were challenged before various other High Courts. The Allahabad Court has upheld the validity of Notification no.9. The Patna High Court has upheld the validity of Notification no.56. Whereas, the Guwahati High Court has quashed Notification No. 56*



of 2023 (Central Tax).

6. *The Telangana High Court while not delving into the vires of the assailed notifications, made certain observations in respect of invalidity of Notification No. 56 of 2023 (Central Tax). This judgment of the Telangana High Court is now presently under consideration by the Supreme Court in S.L.P No 4240/2025 titled M/s HCC-SEW-MEIL-AAG JV v. Assistant Commissioner of State Tax &Ors. The Supreme Court vide order dated 21st February, 2025, passed the following order in the said case:*

*“1. The subject matter of challenge before the High Court was to the legality, validity and propriety of the Notification No.13/2022 dated 5-7-2022 & Notification Nos.9 and 56 of 2023 dated 31-3-2023 & 8-12-2023 respectively.*

*2. However, in the present petition, we are concerned with Notification Nos.9 & 56/2023 dated 31-3-2023 respectively.*

*3. These Notifications have been issued in the purported exercise of power under Section 168 (A) of the Central Goods and Services Tax Act, 2017 (for short, the "GST Act").*

*4. We have heard Dr. S. Muralidhar, the learned Senior counsel appearing for the petitioner.*

*5. The issue that falls for the consideration of this Court is whether the time limit for adjudication of show cause notice and passing order under Section 73 of the GST Act and SGST Act (Telangana GST Act) for financial year 2019-2020 could have been extended by issuing the Notifications in question under Section 168-A of the GST Act.*

*6. There are many other issues also arising for consideration in this matter.*

*7. Dr. Muralidhar pointed out that there is a*



*cleavage of opinion amongst different High Courts of the country. 8. Issue notice on the SLP as also on the prayer for interim relief, returnable on 7-3-2025.”*

7. *In the meantime, the challenges were also pending before the Bombay High Court and the Punjab and Haryana High Court . In the Punjab and Haryana High Court vide order dated 12th March, 2025, all the writ petitions have been disposed of in terms of the interim orders passed therein. The operative portion of the said order reads as under:*

*“65. Almost all the issues, which have been raised before us in these present connected cases and have been noticed hereinabove, are the subject matter of the Hon'ble Supreme Court in the aforesaid SLP.*

*66. Keeping in view the judicial discipline, we refrain from giving our opinion with respect to the vires of Section 168-A of the Act as well as the notifications issued in purported exercise of power under Section 168-A of the Act which have been challenged, and we direct that all these present connected cases shall be governed by the judgment passed by the Hon'ble Supreme Court and the decision thereto shall be binding on these cases too.*

*67. Since the matter is pending before the Hon'ble Supreme Court, the interim order passed in the present cases, would continue to operate and would be governed by the final adjudication by the Supreme Court on the issues in the aforesaid SLP-4240-2025.*

*68. In view of the aforesaid, all these connected cases are disposed of accordingly along with pending applications, if any.”*

**8. The Court has heard ld. Counsels for the parties for a substantial period today. A perusal of the above would show that various High Courts have**



**taken a view and the matter is squarely now pending before the Supreme Court.**

**9. Apart from the challenge to the notifications itself, various counsels submit that even if the same are upheld, they would still pray for relief for the parties as the Petitioners have been unable to file replies due to several reasons and were unable to avail of personal hearings in most cases. In effect therefore in most cases the adjudication orders are passed ex-parte. Huge demands have been raised and even penalties have been imposed.**

**10. Broadly, there are six categories of cases which are pending before this Court. While the issue concerning the validity of the impugned notifications is presently under consideration before the Supreme Court, this Court is of the prima facie view that, depending upon the categories of petitions, orders can be passed affording an opportunity to the Petitioners to place their stand before the adjudicating authority. In some cases, proceedings including appellate remedies may be permitted to be pursued by the Petitioners, without delving into the question of the validity of the said notifications at this stage.**

**11. The said categories and proposed reliefs have been broadly put to the parties today. They may seek instructions and revert by tomorrow i.e., 23rd April, 2025.”**

6. The abovementioned writ petition and various other writ petitions have been disposed of by this Court on subsequent dates, either remanding the matters or relegating the parties to avail of their appellate remedies, depending upon the factual situation. All such orders are subject to further orders of the Supreme Court.

7. As observed by this Court in the order dated 22nd April, 2025 as well, since the challenge to the above mentioned notifications is presently under



consideration before the Supreme Court in *S.L.P No 4240/2025* titled *M/s HCC-SEW-MEIL-AAG JV v. Assistant Commissioner of State Tax &Ors.*, the challenge made by the Petitioner to the impugned notifications in the present proceedings shall also be subject to the outcome of the decision of the Supreme Court.

8. However, in cases where the challenge is to the parallel State Notifications, the same have been retained for consideration by this Court. The lead matter in the said batch is *W.P.(C) 9214/2024* titled *Engineers India Limited v. Union of India &Ors.*

9. On facts, however, submission of Mr. Jain, Id. Counsel for the Petitioner is twofold. Firstly, that there was an earlier assessment which was previously done for one quarter of the same year *i.e.*, December, 2019 to March, 2020 and the same was decided on 8<sup>th</sup> February, 2021. The demand raised therein against the Petitioner was to the tune of Rs.3,187,572/- against which the Petitioner is already in appeal. Secondly, it is his submission that the said notice and order was under Section 74 of the Central Goods and Service Tax Act, 2017 (hereinafter, '*CGST Act*') and present notice and order under Section 73 of the CGST Act would be completely barred for the same financial year as there cannot be multiple re-assessments.

10. Mr. Jain, Id. Counsel for the Petitioner also submits that the demand, which was raised earlier, has also been made part of the demand which has now been raised against the Petitioner. Id. Counsel for the Petitioner also submits that there was a detailed reply, which was filed by the Petitioner, however, the same was also not considered by the Adjudicating Authority.

11. Mr. K.G. Gopalakrishnan, Id. SSC for the Respondent, however, submits that there is challenge to the validity of the impugned notifications in this case.



12. Heard. As per the submissions made above there are several issues that ought to have been considered before raising the demand against the Petitioner. Mr.Jain's submissions about re-assessment under Section 73 of the CGST Act after an assessment under Section 74 of the CGST Act is concluded is an issue which the Adjudicating Authority needs to rule on, apart from the other issues that have been raised.

13. Accordingly, this Court is of the opinion that the matter be remanded afresh for adjudication so that a fresh order may be passed by the Adjudicating Authority, which shall be subject to the decision of the Supreme Court in *S.L.P No 4240/2025 titled M/s HCC-SEW-MEIL-AAG JV v. Assistant Commissioner of State Tax & Ors* and of this Court in *W.P.(C) 9214/2024 titled Engineers India Limited v. Union of India &Ors.* insofar as the challenge to the validity of the impugned notifications is concerned.

14. Accordingly, the impugned order is set aside. The personal hearing notice shall be communicated to the Petitioner on the following mobile no. and e-mail address:

- **Mobile No.: 9810042928**
- **E-mail Address: [rajeshroshanjain@gmail.com](mailto:rajeshroshanjain@gmail.com), [inptax@rediffmail.com](mailto:inptax@rediffmail.com)**

15. The reply filed by the Petitioner to the SCN along with the submissions made in the personal hearing proceedings shall be duly considered by the Adjudicating Authority and fresh reasoned order with respect to the SCN shall be passed accordingly.

16. Needless to add that the present matter shall be decided afresh without being affected by the observations made in the impugned order dated 29<sup>th</sup> August, 2024.



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17. All rights and remedies of the parties are left open. Access to the GST Portal, shall be provided to the Petitioner within one week to enable uploading of the reply as also access to the notices and related documents.

18. The petition is disposed of in these terms. All pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH  
JUDGE**

**SHAIL JAIN  
JUDGE**

**SEPTEMBER 10, 2025/dk/ek**