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

Date of Decision: 10th November, 2025

+ **W.P.(C) 15874/2025, CM APPL.64948/2025 & CM APPL. 64949/2025**

DEVI INDUSTRIAL ENGINEERS & ORS.Petitioners

Through: Mr. Jitin Singhal, Mr. Pravesh
Bahuguna and Ms. Hemlata, Advs.

versus

COMMISSIONER OF CGST & ANR.Respondents

Through: Mr. Harpreet Singh, Senior Standing
Counsel, along with Mrs. Suhani
Mathur, Mr. Jatin Gaur, Mr. Jai Ahuja,
Mr. Akshay Saxena, Mrs. Shivali
Saxena, Advs. (M: 9811253531)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, assailing the impugned order dated 28th January, 2024 passed by the Additional Commissioner of Central Goods and Services Tax, Delhi South Commissionerate (*hereinafter*, 'impugned order').
3. In terms of impugned order, it appears that the GST Department had initiated an investigation against one M/s Haryana Excell Forging, which had passed on Input Tax Credit (*hereinafter*, 'ITC') to several parties. The total ITC availed/utilized is approximately Rs. 41.64 crores.
4. A brief background of the Petitioner's case is that, the Petitioner-Devi Industrial Engineers, is one of the parties who had received ITC from M/s Haryana Excell Forging. The name of the Petitioner appears at Serial No. 18



of the list of recipients of ITC, where an amount of Rs. 76,710/- is stated to have been received.

5. A Show Cause Notice was issued to the Petitioner on 24th July, 2024 for the tax period April 2018 to March 2019, proposing to deny the ITC purchased on the ground that the invoices were received without any receipt of goods. Thereafter, the Petitioner participated in the proceedings and filed a reply on 26th August, 2024. However, the demand has been confirmed against the Petitioner *vide* the impugned order.

6. Pertinently, the passing on of ITC itself spans across three Financial Years 2017-18, 2018-19 and 2019-20, in respect of M/s Haryana Excell Forging. However, insofar as the Petitioner is concerned, the grievance in this petition is that three separate DRC-07, for the three Financial Years have been issued against the Petitioner, despite there being only a single transaction between the Petitioner and M/s Haryana Excell Forging.

7. In fact, Id. Counsel for the Petitioner submits that the amount of Rs. 76,710/- has also been deposited.

8. Under such circumstances, the prayer for quashing, is being sought in respect of the two additional DRC-07, which are identical in nature and the demands are duplicate.

9. Id. Counsel submits that the transaction between the Petitioner and M/s Haryana Excell Forging relates to the Financial Year 2018-2019, and the remaining two DRC-07 for Financial Years 2017-2018 and 2019-20 be quashed.

10. Mr. Harpreet Singh, Id. SSC for the Respondents submits that the DRC 07 does raise duplicate demands in all three DRC-07s.

11. Accordingly, after hearing Id. Counsels for the parties, it is directed that



the DRC-07 with the reference No. ZD070225002084Z for Financial Year 2017-2018 and DRC-07 reference No. ZD070225002088R for Financial Year 2019-2020, both dated 01st February, 2025 are quashed.

12. The DRC-07 with reference No. ZD070225002086V for Financial Year 2018-2019, dated 01st February, 2025 is upheld.

13. It is made clear that the present order has been passed in the unique facts and circumstances of this case, and would not apply to any of the other noticees in this impugned order.

14. At this stage, Id. Counsel for the Petitioner submits that insofar as DRC-07 with reference No. ZD070225002086V for Financial Year 2018-2019 is concerned, the penalty has also been imposed upon the Directors of the Petitioner Firm.

15. Though the amount has been deposited by the Petitioner, the same shall be deemed to be without prejudice.

16. Accordingly, the Petitioner or its directors are at liberty to avail remedies in accordance with law, *qua* the DRC-07 with reference No. ZD070225002086V for Financial Year 2018-2019, dated 01st February, 2025, is concerned.

17. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

NOVEMBER 10, 2025/jyh/sm