



\$~30

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

Date of Decision: 23rd September, 2025

+ **W.P.(C) 9791/2025 & CM APPL. 40963/2025**

SEVEN SEAS LIGHTS PVT. LTD.Petitioner

Through: Mr. Puneet Rai with Ms. Srishti
Sharma, Advs.

versus

ASSISTANT COMMISSIONER, SHAHDARA DIVISION CGST
DELHI EAST & ANR.Respondent

Through: Mr. Shubham Tyagi, SSC, CBIC with
Mrs. Navruti Ojha, Mr. Rishabh
Chauhan and Mr. Harish Saini, Advs.
for R-1 & 2.

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 writ petition has been filed challenging the impugned order dated 20th February, 2025 passed by the Respondent No. 1 - Assistant Commissioner, Shahdara Division, CGST, Delhi East Commissionerate. *Vide* the impugned order a demand to the tune of Rs. 28,86,238/- has been confirmed against the Petitioner in respect of Tax Period April 2020 to March, 2021.
3. The brief facts of the case are that the Petitioner Company is stated to have registered with the GST Department in Delhi, having received the GST Registration with effect from 1st July, 2017. On 25th November, 2024 a show



cause notice was issued by the Respondent No. 1 raising a demand of Rs. 25,99,696/- on the ground of excess availment of Input Tax Credit. The said notice fixed the last date of reply as 25th December, 2024. However, no date for personal hearing was provided in the said show cause notice.

4. The case of the Petitioner Company is that although the said show cause notice was issued by the Respondent, the same was never served upon the Petitioner Company. Further, the Directors of the Petitioner Company changed and the Petitioner Company had moved its GST registration from Delhi to Maharashtra. Therefore, no show cause notice is stated to have been served upon the Petitioner Company and consequently no personal hearing was availed of, though the same appears to have been granted.

5. Mr. Puneet Rai, Id. Counsel for the Petitioner Company submits that the domain name, '*7seaslights.com*' on which the Petitioner's e-mail address was created had expired prior to issuance of the show cause notice and hence, the same was not received even *via* e-mail. It was only when the Petitioner Company's authorised representative visited the office of the Delhi GST Department for the purpose of closure of business and cancellation of registration that he learnt of the impugned orders that had been passed.

6. Thus, the main ground that the present writ petition hinges on is that the Petitioner Company has not been provided an opportunity to be heard on merits. Id. Counsel on behalf of the Petitioner, in fact, submits that the demand of Input Tax Credit is also explainable by the Petitioner upon an opportunity before the adjudicating officer being granted.

7. On the last date of hearing *i.e.*, 14th July, 2025, Mr. Shubham Tyagi, Id. Senior Standing Counsel for the CGST Department had submitted that the show cause notice and the personal hearing notices had been served both



through e-mail and registered posts, and there was no reply nor any attendance of the personal hearing. The Id. SSC had sought time to seek instructions as to whether the registered post notices and the e-mails have been bounced back or not. Considering the submissions of the parties, the Court had directed as under:

“7. At the prima facie stage this Court is of the opinion that this may be a case where the matter deserves to be remanded back to the adjudicating officer if the Petitioner is able to satisfy that he did not receive either the registered post notices or the notices through e-mail.

8. Let the Department seek instructions and file an affidavit in respect of the service of the show cause notice and the personal hearing notices.

9. No coercive steps shall be taken in the meantime”

8. The Counter affidavit has now been filed by the CGST Department which shows that the show cause notice, the hearing notice and the impugned order were all uploaded on the GST portal. The email had, however, bounced back.

9. The case of the Petitioner Company is that the business had shifted from Delhi to Maharashtra and the directors had also changed. This could be the reason why the Petitioner could not access the portal. However, since the notices and the impugned order was uploaded on the GST portal, the CGST Department cannot be said to be at fault. The Petitioner Company ought to have accessed the portal at the relevant time and gained knowledge of the notices.

10. Thus, in view of the above, the Petitioner Company has failed to satisfy the Court that it was not served with the notices. Accordingly, the prayer of the



Petitioner Company for the matter to be remanded to the adjudicating authority cannot be acceded to.

11. Under these circumstances, since the Petitioner Company has not had the opportunity to defend itself on merits, the Court is inclined to permit the Petitioner Company to approach the Appellate Authority for availing its appellate remedy.

12. It is noted that the impugned order is of 20th February, 2025, and thus the limitation for filing the appeal has already expired. However, the fact remains that the knowledge of the impugned order was acquired by the Petitioner only in June, 2025 when the Petitioner visited the Delhi GST Department. Accordingly, the Petitioner is permitted to file an appeal by 31st October, 2025 along with the necessary pre deposit.

13. If the appeal is filed by the said date, it shall not be dismissed on the ground of limitation and shall be entertained and adjudicated on merits.

14. Needless to add any observation which is made by this Court shall not have any bearing in the final adjudication of the matter.

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

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

SEPTEMBER 23, 2025

dj/msh