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

Date of decision: 24th July, 2025

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W.P.(C) 6768/2023

SHREE RADHE VALLABH TRADERS

.....Petitioner

Through: Mr. Akhil Krishan Maggu, Adv
versus

COMMISSIONER CENTRAL GOODS AND SERVICE TAX,
DELHI EAST COMMISSIONERATE, NEW DELHI

.....Respondent

Through: Mr. K G Gopalakrishnan, Ms. Nisha Mohandas, Mr. Girish Kumar Kaul and Mr. Jayesh Khandelwal, Advs. for DGST. (M: 9810813707)
Mr. Harpreet Singh, SSC with Ms. M.R. Sanidhya Sharma, Mr. Jai Ahuja and Ms. Vanshika Kapoor, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. In the present petition, Petitioner seeks release of the IGST refund along with interest.
3. The background of the Petition is that since 2019, the Petitioner has a valid IEC Code and GSTIN number. It has exported various goods to foreign buyers in UAE, Uganda etc. According to the Petitioner in terms of the exports made and shipping bills which have already been filed, it is entitled to refund of Rs 1,19,29,742/-.



4. The Petitioner was sought to be classified as a risky exporter and a letter was received from the Superintendent, CGST Audit-1 Commissionerate, Delhi on 06th February, 2020 in this regard. Thereafter, the Petitioner is stated to have provided the relevant documents along with its reply dated 28th May, 2020. The Petitioner had also made a request for refund of IGST vide the said reply.

5. According to the Petitioner, the IGST refund has not been sanctioned till date, which led to filing of *WP (C) 6388/2020*. In the said Writ Petition, counter affidavits were filed by the Department and finally a stand is stated to have been taken that the jurisdictional Commissionerate would be the relevant Commissionerate.

6. The said writ petition was dismissed as withdrawn *vide* order dated 5th May, 2023 in the following terms:-

“1. After some arguments, the learned counsel appearing for the petitioner seeks to withdraw the present petition with liberty to file a comprehensive petition also arraying the jurisdictional authorities as respondents.

2. The petition is dismissed as withdrawn with the aforesaid liberty. The pending application is also disposed of.”

7. Surprisingly, a copy of this order has not been placed on record by the Petitioner.

8. Mr. Akhil Maggu, Id. Counsel on behalf of the Petitioner submits that the refund ought to be granted to the Petitioner along with interest as per statute.

9. Mr. Gopalakrishnan, Id. SSC on behalf of the Respondent has made two pronged submissions:



- First, that a Show Cause Notice was issued to the Petitioner for cancellation of its GST registration on 11th October, 2022. However, no reply was filed and no personal hearing was attended by the Petitioner. Thereafter, the order dated 27th February, 2023 has been passed cancelling the GST registration with retrospective effect from 13th July, 2018.
- Second, that insofar as the refund application is concerned, a personal hearing was fixed on 22nd July, 2025 at 3:00 PM *vide* notice dated 16th July, 2025. However, the Petitioner has not approached and attended the personal hearing.

10. In the present petition, it is the stand of the Petitioner that in ***WP (C) 6388/2020*** it was submitted by the Commissioner, CGST, Audit-1, Delhi that it is not the concerned authority for grant of refund. Accordingly, the Petitioner had moved an application for impleading the Principal Commissioner, Noida, Customs Commissionerate and the Directorate General of Analytics and Risk Management as parties to the said petition. The counter affidavit filed by the impleaded parties in ***WP (C) 6388/2020*** is apposite and the relevant portion of the said counter affidavit reads as under:

“B.)On perusal of Directorate General of Foreign Trade (DGFT) site, it is observed that no Bank Realization Certificate BRC have been realized regarding previous shipment made from ICD- Dadri. The Alert on IEC No. BNXP6441A was inserted on 20.10.2019 on the basis RMS instruction against the petitioner, GSTIN-07BNXP6441AIZV to suspend benefit of IGST refund at Noida Customs Commissionerate which is continued on the basis of adverse verification report received from Directorate General of Analytics and Risk Management (DGARM).”



C.) *It is respectively submitted that as per the reports available the exporter appears to be non-existent and does not appear to be bonafide, The Competent authority shall initiate appropriate action as per the provisions of the Customs Act, 1962.*

It is respectfully submitted that on the basis of physical verification made by the team and on perusal of documents submitted, the petitioner does not appear to be bonafide.

2. *That on perusal of the aforesaid prayers, it is revealed that the petitioner basically seeks to get the release of the IGST refund.*

3. *That it submitted that Respondent No.4 vide letter dated 28.06.2022 has sought the status of the petitioner Company. That vide e-mail dated 18.07.2022 it was informed by respondent No.5 that an adverse report has been received from the Jurisdictional CGST formation in respect of the petitioner. A copy said e-mail dated 18.07.2022 is annexed herewith as **Annexure R/1.***

4. *That the central GST, Audit- I, Delhi (Respondent No.2) had submitted their verification report dated 23.07.2020. Physical verification was done by the officers of the Commissionerate and the Assessee was found non-existent (A copy said verification report dated 23.07.2020 is annexed herewith as **Annexure R/2.***

*The verification team made a recommendation on the basis of various points as mentioned in the verification report, reproduced as under-
“As verified by the team and proposed by the Assistant Commissioner and on perusal of documents submitted, the exporter-assessee M/s Shree Radhe Vallabh Traders (GSTIN-07BNXPK6441A1ZV) does not appear to be bonafide.”*

5. **That it is further submitted that in the light of the above, the alert on IEC- BNXPK6441A was inserted by**



**Respondent No. 4 against the petitioner on 20.12.2019
for suspending benefit of IGST refund at Noida Customs
Commissionerate, as was also proposed in RMS
instruction and the same has continued.”**

11. It is surprising that even the factum of cancellation of GST registration has not been mentioned in the present writ petition, despite the same having been cancelled in 2023 with retrospective effect from 2018.

12. The earlier writ petition already stands withdrawn. The Petitioner has not attended any personal hearing which was given to it. The *bona fides* of the Petitioner as an exporter is under question in the earlier writ petition. The Court has repeatedly queried Mr. Maggu, Id. Counsel for the Petitioner as to whether the Petitioner is aware that its GST registration has been cancelled since 2023, but the Counsel has not given any convincing answer. Thus, there is clear concealment of material facts as the Petitioner cannot be unaware of the cancellation of its GST registration.

13. When the GST registration itself has been cancelled in 2018, obviously, no refund can be granted till the said GST registration of the Petitioner is restored.

14. Under such circumstances, the present petition is not maintainable and the same is dismissed with cost of Rs 25,000/- to be deposited with Delhi High Court Bar Association.

15. The account details of the Delhi High Court Bar Association are as under:

- ***Delhi High Court Bar Association***
- ***Account No. 15530100000478***
- ***IFSC: UCBA0001553***
- ***Bank & Branch- UCO Bank, Delhi High Court***



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16. The Petitioner is free to avail of its remedies for restoration of its GST registration and thereafter, for any refunds, in accordance with law.
17. Pending applications, if any, are also disposed of.
18. List on 28th August, 2025 for compliance of receipt of the cost.

**PRATHIBA M. SINGH
JUDGE**

**SHAIL JAIN
JUDGE**

JULY 24, 2025
sk/msh