



\$~10

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

+ **W.P.(C) 8299/2025 & CM APPL. 36105/2025**

M/S RAKS TRADE LOGISTICS PVT. LTD.Petitioner

Through: Mr. Chinmaya Seth, Mr. A.K. Seth
with Ms. Palak Mathur, Advocates,
Mob. No.-9311571016, E-mail,
rkastradelogistics@gmail.com.

versus

**SALES TAX OFFICER CLASS II, AVATO, GOVT. OF NCT OF
DELHIRespondent**

Through:

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% 10.07.2025

1. This hearing has been done through hybrid mode.

CM APPL. 36106/2025 & CM APPL. 36107/2025(exemption)

2. Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(C) 8299/2025 & CM APPL. 36105/2025

3. The present petition has been filed by Petitioner – M/s Raks Trade Logistics Pvt. Ltd. under Articles 226 & 227 of the Constitution of India seeking setting aside of the show cause notice dated 20th November, 2024 and the demand order dated 19th February, 2025.

4. This is a case where a demand to the tune of Rs.5,42,63,640/- has been raised upon the Petitioner with the following components i.e.,

- tax Rs. 2,94,45,165/-,
- interest of Rs. 2,18,53,959 and
- penalty of Rs. 29,64,516/-.



5. This petition arises out of show cause notice issued by the Respondent on 20th November, 2024, claiming that the Petitioner has not correctly availed input tax on his inward supplies on reconciliation of turnovers in GSTR-09 and also that ITC has been claimed for cancelled dealers, return defaulters non-tax payers.

6. A reminder notice was also issued in respect of the show cause notice and a date for personal hearing was also fixed. However, the Petitioner did not appear for the same and did not file any reply to the show cause notice either. This led to the passing of the demand order dated 19th February, 2025.

7. The submission of Mr. Chinmaya Seth, Id. counsel for Petitioner is that there is duplication in the final demand order and therefore, the amount which has been demanded has become doubled.

8. A perusal of record would show that the Petitioner has been completely recalcitrant in the present proceedings by not filing a reply to the show cause notice and not attending the personal hearing. Additionally, the challenge to the demand order has also been raised belatedly.

9. The only ground that has been given for the delay is that the employee who has access to the GST portal of the Petitioner company failed to bring to the notice of the Petitioner, the necessary details of the proceedings that led to the passing of the demand order dated 19th February, 2025.

10. The Court has, however, considered the matter and is of the opinion that considering the duplication in the final demand order dated 19th February, 2025, the Petitioner ought to be given a chance to file a reply to the show cause notice and an opportunity for personal hearing also ought to be accorded.

11. However, in the facts of the case, costs of Rs. 25,000/- is imposed on



the Petitioner which shall be deposited with the Delhi DGST Department, in order to avail of its opportunity to file reply and appear for personal hearing. For the payment of cost, the DGST Department shall provide the account details to the Petitioner.

12. Let the reply to show cause notice dated 20th November, 2024 be now filed by the Petitioner within one month. For the said purpose, the GST Portal of the Petitioner shall be opened within two days, to provide access to the Petitioner.

13. The personal hearing notice shall be communicated to the Petitioner on the following email address and mobile number:

E-mail : rkastradelogistics@gmail.com.

Mob. No. : 9311571016

14. After considering the reply filed by the Petitioner and the submissions made in the personal hearing, a fresh adjudication order shall be passed.

15. The impugned adjudication order dated 19th February, 2025 is accordingly set aside.

16. The petition is disposed of in these terms. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

JULY 10, 2025/da/ss

