

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).15992-15994/2023
(Arising out of impugned final judgment and order dated 06-06-2023
in SCA No. 5978/2023 06-06-2023 in SCA No. 5979/2023 06-06-2023 in
SCA No. 5980/2023 passed by the High Court of Gujarat at Ahmedabad)

RHC GLOBAL EXPORTS PRIVATE LIMITED & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(IA No. 249406/2023 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 18-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Balbir Singh, Sr. Adv.
Mr. Shashank Khurana, Adv.
Ms. Nidhi Jaswal, AOR

For Respondent(s) Ms. Manisha Lavkumar, Sr. Adv.
Ms. Deepanwita Priyanka, AOR

Mr. Aniruddha Joshi, Sr. Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA No. 249406/2023:

We have heard learned senior counsel for the petitioners and learned senior counsel for the respondent-State and others on the application filed by the petitioners herein.

During the course of submissions, learned senior counsel for the respondent-State submitted that three bank accounts are the subject matter of this application: the attachment in respect of the First Account (Account No.18961900005060) lapsed on 03.03.2024. That in fact there is no attachment of the Second Account (Account No.20012021006064) mentioned by the petitioners herein; that as far as the Third Account (Account No.916020074041235) is concerned although the attachment lapsed on 03.03.2024 by virtue of sub-section (2) of Section 83 of the Central Goods and Services Tax, Act, 2017 (hereinafter referred to as the "Act") there has been a renewal of the attachment on 30.08.2024 and the third account is presently attached. There is no ground made out by the petitioners for lifting the said attachment. Hence, there is no merit in this application and the same may be dismissed.

In response to this submission, learned senior counsel for the petitioners stated that once the attachment expires by virtue of operation of law in terms of sub-section (2) of Section 83 of the Act, there is no provision or jurisdiction vested with the Department to once again attach an account. In the circumstances, the attachment made on 30.08.2024 insofar as the third account is concerned is without authority of law and therefore, a direction may be issued for lifting of the said attachment. Submission was made that keeping in view the

fact that the attachment of the first account has lapsed and that there is no attachment of the second account, a direction may be issued for lifting of the attachment insofar as the third account is concerned.

Learned senior counsel for the petitioners also brought to our notice a Circular dated 02.09.2023 and particularly to paragraph '3.1' of the said Circular which prescribes a time-frame for the initiation and conclusion of proceedings and bearing in mind the effect of the expiry of the attachment in sub-section(2) of Section 83 of the Act.

Having regard to the aforesaid facts, we allow the application made by the petitioners herein. We direct that the attachment made of the third account by the respondent-State (Department) on 30.08.2024 be lifted and the account be defreezed.

The application is disposed of in the aforesaid terms.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)