

Alkesh Tacker HUF represented by its Karta Alkesh Tacker v. Union of India and Others

Case number: W.P.(C) 2486/2025

Citation: 2025:DHC:6868-DB

Decision date: 12 August 2025

Export ITC refund: LUT preceded the actual exports

Court: High Court of Delhi at New Delhi

Bench: Hon'ble Ms. Justice Prathiba M. Singh and Hon'ble Ms. Justice Shail Jain

Decision stage: Final High Court merits decision setting aside refund rejection and directing credit with interest; later compliance dispute remains pending in contempt proceedings.

01 Facts of case and issues

The petitioner purchased cordless sets and other goods, paid GST, and exported them between September and December 2021. It applied on 12 August 2023 for refund of Rs. 10,05,341 in unutilised input tax credit. The application covered July–December 2021. After seeking documents, the authority rejected it on 14 November 2024 because the Letter of Undertaking (LUT) was filed on 26 August 2021.

The petitioner showed that its exports began after the LUT. The issue was whether the broader claim period justified rejection despite the actual export chronology and acknowledged production of the required documents.

Pinpoint: Paragraphs 2–6, physical/printed pp. 1–4; shipping-bill table and paragraphs 11–12, p. 6.

02 Discussion by Hon'ble Court

The Division Bench treated zero-rated exports as an incentive that should not be frustrated by unsupported objections. It relied on Rule 89(1) and (2), particularly the shipping-bill and export-invoice statement required for export-of-goods refunds. Withholding this refund conflicted with that scheme.

The Court noted that the rejection order itself acknowledged submission of all relevant documents under Circular 125. It then examined the LUT and shipping bills, which began on 13 September 2021, after the LUT dated 26 August 2021. The export records were also available with Customs. The asserted late-LUT ground was therefore unsustainable.

These reasons resolve the factual objection in this claim. They do not dispense with statutory refund conditions, establish an automatic refund on shipping bills alone, or decide the consequences of an LUT genuinely filed after export.

Pinpoint: Paragraphs 8–13, physical/printed pp. 4–6; image-only shipping-bill table, p. 6.

03 Judicial decision and operative relief

The Court set aside the rejection order and directed processing and credit of the refund with statutory interest within two weeks from 12 August 2025. Separately, paragraph 14 states that failure to duly credit it after expiry of 3 September 2025 attracts interest at 12%. Two weeks from the judgment date is 26 August; the two dates are preserved without treating them as equivalent.

The judgment does not quantify statutory interest or explain the differing dates. It directed communication to the Delhi Trade and Taxes Commissioner for appropriate instructions against repeated refund hardship, and disposed of the petition and pending applications.

Pinpoint: Paragraphs 14–16, physical/printed pp. 6–7.

04 In favour of

Taxpayer: refund rejection set aside and refund with interest directed; subsequent compliance remains disputed.

The Court granted substantive refund relief despite the respondent's request for remand. This is a final decision on the rejection challenged, not proof that full payment followed. Later official contempt orders record a compliance dispute; they do not establish wilful contempt or reverse this judgment.

Pinpoint: Paragraphs 7 and 14–16, pp. 4 and 6–7; CONT.CAS(C) 1465/2025 orders dated 26 September 2025 and 25 March 2026.

05 AKHB REVIEW POINT

AKHB analysis: Reconcile the LUT acknowledgement, invoice dates, shipping bills, refund period, credit-ledger debit and RFD-01 attachments before answering a timing objection. Distinguish the application's period from the dates of actual exports.

Where an LUT was genuinely late, examine the separate, fact-dependent condonation guidance in Circular 125, paragraph 44; this judgment did not need that route. Keep the ordinary statutory interest calculation separate from this order's 12% default direction. Verify payment and later compliance orders before claiming recovery is complete. Do not reuse the reproduced SCN checklist as current law: Circular 197 had already removed its Section 42 undertaking reference.

Pinpoint: AKHB commentary based on paragraphs 4–14; Circular 125/44/2019-GST, paragraph 44; Circular 197/09/2023-GST, paragraphs 2.3–2.4; CGST Section 56.

Sources and limitations

Relevant provisions

CGST/DGST Acts 2017 Section 54 (quoted refund order); CGST Rules 2017 Rules 89(1), 89(2)(b) and 96A; Circular 125/44/2019-GST. Contextual checks: IGST Act Section 16; CGST Section 56; Notification 13/2017-Central Tax; Circular 197/09/2023-GST.

Statutory note

Zero rating derives from IGST Section 16; Rule 96A governs the bond/LUT export procedure, rather than defining zero-rated supplies. For these 2021 exports, the then Section 16(3)(a) provided the LUT/unutilised-ITC route. Section 16(3) was substituted from 1 October 2023; current wording must not be silently back-applied. CGST Section 54(3) and Rule 89 regulate the refund, and Rule 96A(1) requires the LUT before export. Circular 125, paragraph 44, separately permits fact-dependent condonation of late LUT filing. The Court did not invoke that condonation route. Central Section 56 ordinarily uses a 60-day interest trigger; its computation wording changed from 1 October 2023. Central Notification 13/2017 specifies 6% for Section 56 and 9% for its qualified proviso. These contextual rates do not quantify this judgment's unspecified statutory award or convert its court-ordered 12% default rate into the general statutory rate. Corresponding Delhi notification and full interest computation were not independently determined. Circular 197, paragraphs 2.3–2.4, removes the Section 42 reference from the refund undertaking/checklist following its omission from 1 October 2022. The judgment's reproduced SCN still includes it; the Court did not adjudicate that discrepancy.

Treatment note

Checked 13 October 2026 (UTC). The official writ docket showed disposed status and four orders, with 12 August 2025 the latest. Official daily-order search verified CONT.CAS(C) 1465/2025, Alkesh Tacker HUF v. Gaurav Yadav, as a linked compliance proceeding. On 26 September 2025 the Court recorded the taxpayer's submission that Rs. 3,09,557 of the Rs. 10,05,341 refund was disputed, the respondent's offer to release the undisputed amount after appearance, and directed appearance on 9 October 2025. On 25 March 2026 it allowed an affidavit concerning alleged deficient refund and disobedience. On 27 July 2026 it adjourned without hearing to 23 February 2027; the portal showed pending status on this check. No wilful-contempt finding or completed recovery is established. Bounded official-domain searches did not establish an appellate stay or reversal. This is not a comprehensive citator or exhaustive appeal search; current appellate status remains unverified.

Scope of source review

All seven physical judgment pages fully read and individually visually inspected, including the image-only neutral citation and shipping-bill table. The four official contempt orders, dated 26 September and 29 October 2025 and 25 March and 27 July 2026, were read in full and all five pages individually inspected. Relevant CGST compilation pages 89–90 and 94–95, Rules compilation pages 98–99 and 112, Circular 125 page 15, Circular 197 pages 2–3 and the one-page Notification 13/2017 were read and visually checked. Current official indexed Section 56, IGST Section 16 and Rule 89 text were checked separately. Supplementary compilations were not reviewed in full.

Source notes

Neutral citation 2025:DHC:6868-DB appears in the image header, omitted from extracted text. Paragraphs 4 and 10 give SCN date 5 September 2024 and paragraph 5 gives reply date 11 September; the quoted rejection order instead identifies RFD-08 dated 20 September 2024. The quotation names M/s ALMAD PANATECH and covers July–December 2021, while the caption names the HUF and the Court identifies

September–December exports. It also says the LUT was submitted after RFD-01 despite the dates recorded for LUT and refund application. These source inconsistencies are not corrected or explained as proved facts. The five table rows show shipping-bill dates 13 September, 30 September, 16 November and twice 8 December 2021; the final bank-certificate date is partly obscured by a stamp and is not relied on. Paragraph 14's two-week deadline and separate 3 September threshold are both retained. Fresh official retrieval on 13 October 2026 exactly matched the original SHA-256 and 402,037-byte length. Current direct CBIC pages and some full-PDF downloads returned errors/timeouts; prior official compilations and current official indexed text were used only within the stated scope. Cryptographic digital-signature validation was not performed.

Primary source

Source description: Official Delhi High Court seven-page judgment, with image-only neutral citation and shipping-bill table; original bytes preserved.

Official source: [Open source document](#)

Source pages: 7

Judgment author: Prathiba M. Singh, J.

Outcome type: final high court merits

Additional source

CBIC CGST Rules compilation as at 1 June 2021

Official source: [Open source document](#)

Pinpoint: Physical pp. 98–99 / printed pp. 95–96: Rule 89(1), (2)(b); physical p. 112 / printed p. 109: Rule 96A(1). Historical official compilation, not current consolidation.

CBIC CGST Act compilation as at 1 January 2022

Official source: [Open source document](#)

Pinpoint: Physical pp. 89–90 / printed pp. 88–89: Section 54(1), (3), (4), (7); physical pp. 94–95 / printed pp. 93–94: Section 56. Historical compilation.

CBIC Tax Information Portal, IGST Section 16

Official source: [Open source document](#)

Pinpoint: Section 16(1)(a), current subsection (3) and historical subsection (3)(a) in amendment footnote 2; 1 October 2023 substitution. Official indexed text checked.

CBIC Tax Information Portal, CGST Section 56

Official source: [Open source document](#)

Pinpoint: Section 56, proviso, Explanation and amendment footnote: ordinary 60-day trigger and computation wording effective 1 October 2023. Official indexed text checked.

Notification 13/2017-Central Tax, 28 June 2017

Official source: [Open source document](#)

Pinpoint: Complete one-page notification; table entries 4–5: Section 56 at 6% and its proviso at 9% per annum.

Circular 125/44/2019-GST, 18 November 2019

Official source: [Open source document](#)

Pinpoint: Physical/printed p. 15, paragraph 44: fact-dependent condonation of a late LUT, distinct from the facts decided here.

Circular 197/09/2023-GST, 17 July 2023

Official source: [Open source document](#)

Pinpoint: Physical/printed pp. 2–3, paragraphs 2.1–2.4: deletion of Section 42 references from Circular 125's undertaking and checklist.

Official order in CONT.CAS(C) 1465/2025, 26 September 2025

Official source: [Open source document](#)

Pinpoint: Complete two-page order, paragraphs 2–7: express linkage to W.P.(C) 2486/2025, parties' compliance submissions and appearance direction.

Official order in CONT.CAS(C) 1465/2025, 25 March 2026

Official source: [Open source document](#)

Pinpoint: Complete one-page order, paragraphs 1–3: time for affidavit concerning alleged deficient refund; no contempt finding.

Official order in CONT.CAS(C) 1465/2025, 27 July 2026

Official source: [Open source document](#)

Pinpoint: Complete one-page order, paragraphs 1–2: matter not heard for lack of time; next listing 23 February 2027.

Delhi High Court official daily-order and case-status search

Official source: [Open source document](#)

Pinpoint: Searches on 13 October 2026: W.P.(C) 2486/2025 showed disposed with four orders ending 12 August 2025; CONT.CAS(C) 1465/2025 showed pending, four orders and next date 23 February 2027. Results preserved in the review evidence.

Disclosures and source rights

AI disclosure: Prepared with AI assistance from the complete official judgment, later official orders and identified primary legal sources. No human legal review is claimed.

General disclaimer: For professional information only; not legal advice. Read the full judgment and applicable law, verify current appellate and compliance orders, and obtain case-specific professional advice before acting.

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Source checked: 13 October 2026