

Devansh Wire and Cables Private Limited v. Joint Commissioner, CGST Delhi-East and Others; connected Devansh Wire and Cables Private Limited v. Union of India and Another

Case number: W.P.(C) 4455/2025 with CM APPL. 20589/2025, and W.P.(C) 16884/2025

Citation: 2025:DHC:9964-DB

Decision date: 11 November 2025

Consolidated Section 74 notices for multiple years; one-year expiry of provisional attachment; conditional statutory appeal and recovery relief

Court: Delhi High Court

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

Decision stage: Final common writ disposal applying the multi-year notice rule and deciding attachment expiry; conditional appeal and recovery relief, with underlying ITC liability left to the statutory appellate process.

01 Facts of case and issues

The company challenged a show cause notice dated 30 July 2021 and the Joint Commissioner's order dated 1 January 2025 under Section 74. The notice alleged that Rs. 10.70 crore of ITC had been taken through fictitious firms and bogus invoices without actual supplies. Those were departmental allegations, not findings of fraud newly made in this writ judgment. Replies were submitted on 6 September 2021 and 12 December 2023. The quoted adjudication order demanded IGST of Rs. 26,26,988, CGST of Rs. 3,86,49,859 and SGST of Rs. 3,86,49,859, with interest and corresponding penalties. The tax components total Rs. 7,99,26,706.

The company objected to the consolidated notice covering multiple financial years, the Rule 142 demand documentation and its financial-year allocation, and the alleged failure to address its reply. In a connected writ it challenged a provisional attachment dated 21 November 2023 affecting property and two bank accounts. An earlier attachment dated 18 November 2020 had already been held inoperative in a separate order of 16 November 2023. Revenue then initiated Section 79 bank recovery on 24 October 2025 and property-related recovery on 29 October 2025. The issues were the validity of the multi-year notice objection, the available appeal, the expired attachment and the later recovery communications.

Pinpoint: Paragraphs 2–10, physical pp. 1–5; component demands at paragraph 4, pp. 2–3; recovery amount at paragraph 9, p. 5.

02 Discussion by Hon'ble Court

The Court held in its own paragraph 11 that the multi-financial-year notice issue stood settled by *Ambika Traders*, 2025:DHC:6181-DB, and reproduced that decision's paragraphs 43–47. The adopted reasoning distinguishes the statutory references to a period or periods in Sections 73(3)–(4) and 74(3)–(4) from financial-year-based limitation in Sections 73(10) and 74(10). At least for alleged fraudulent availment or utilisation of ITC, investigation may need to connect transactions across years to expose a pattern; a consolidated notice is not invalid merely because it spans more than one financial year. This is an applied legal holding, not just a quotation of a party's submission. It does not dispense with the applicable limitation for each period or establish that fraud occurred here.

02 Discussion by Hon'ble Court

Paragraph 12 records the Ambika SLP's dismissal as not pressed. That disposition supplies no Supreme Court merits ruling on the consolidated-notice issue. The Court treated the remaining objections as matters for an appeal under Section 107. Relying on Ganpati Polymers and the appellate-relief order quoted in paragraph 15, it gave weight to the fact that the lead writ had been filed within the statutory limitation period and to the time spent pursuing the writ.

The attachment issue was independently decided under Section 83's one-year limit. The provisional attachment of 21 November 2023 had outlived that period. The Court distinguished that expired attachment from the October 2025 recovery communications, whose cancellation was linked to filing the permitted appeal.

Pinpoint: Own paragraph 11 and incorporated Ambika paragraphs 43–47, physical pp. 6–9; paragraphs 12–16, pp. 9–11; paragraph 18, pp. 11–12.

03 Judicial decision and operative relief

The company was permitted to appeal to the Commissioner (Appeals) with the statutory pre-deposit. If the appeal and requisite pre-deposit were filed by 15 December 2025, the appeal was not to be dismissed on limitation and had to be decided on merits. That was a case-specific deadline which has now passed, not a general reopening of the appeal period.

Subject to the filing of that appeal, the bank recovery communication dated 24 October 2025 and the property-related communication dated 29 October 2025 were to stand set aside. Separately, the provisional attachment order of 21 November 2023 was set aside because the statutory one-year period had expired and it was no longer valid. Both writs and pending applications were disposed of, and the portal was directed to be amended accordingly.

The Court did not quash the underlying show cause notice or adjudication order, determine the ITC/fraud merits, extinguish the tax demand or certify that the appeal, pre-deposit or portal changes had subsequently occurred.

Pinpoint: Paragraphs 16–20, physical pp. 11–12; unresolved grounds at paragraph 13, p. 9.

04 In favour of

Mixed. Revenue succeeds against the objection that the Section 74 notice is invalid merely because it covers multiple financial years. The taxpayer succeeds on expiry of the provisional attachment and obtains a conditional opportunity to appeal and linked relief from the specified recovery communications. No final merits victory on ITC, fraud, interest or penalties.

A substantive application of the consolidated-notice rule and a substantive attachment-expiry ruling, combined with conditional procedural relief. The demand remains subject to the statutory appellate process. Subsequent compliance and direct appellate history remain unverified in the bounded checks below.

Pinpoint: Paragraphs 11–20, physical pp. 6–12.

05 AKHB REVIEW POINT

AKHB analysis: Identify separately every Section 83 provisional attachment and every Section 79 recovery measure. Keep the order date, property or account covered, communication and service evidence, and any fresh order. Expiry of an old provisional attachment does not by itself erase the underlying demand or invalidate a distinct lawful recovery measure. Here the October 2025 communications were removed conditionally, while the November 2023 attachment was removed for expiry.

For the appeal relief in this case, obtain the appeal acknowledgement, filing date and pre-deposit evidence before treating the condition as satisfied. The 15 December 2025 deadline should not be presented as a remedy still available today without examining subsequent orders and actual filing history. Nor does this judgment generally enlarge the Appellate Authority's statutory power to condone delay.

For multi-year notices, map the transactions, notice grounds, replies, demand summaries and limitation separately for each relevant period. A bare clubbing objection faces the applied Ambika reasoning in this alleged fraudulent-ITC setting, but consolidation does not prove fraud, cure unaddressed objections or determine the admissibility of individual credits. Do not import Ambika's financial-year facts into Devansh: this judgment does not identify the exact years of Devansh's notice. Assess later periods under the applicable Section 74A framework rather than mechanically extending this Section 74 decision.

Pinpoint: AKHB commentary based on paragraphs 5, 9, 11, 13 and 16–20; statutory comparison and later-history limits identified separately.

Sources and limitations

Relevant provisions

Constitution of India: Articles 226 and 227. CGST Act 2017: Sections 2(106), 73(3), 73(4), 73(10), 74, 79, 83 and 107. CGST Rule 142 is pleaded, not separately decided on its merits. Sections 50, 122(3) and 137 and IGST Act Section 20 appear in the reproduced departmental demand; their merits were not adjudicated. Section 74A and CGST Rule 159 are addressed in the statutory review for context.

Statutory note

Checked 13 October 2026. The India Code CGST Act compilation confirms the period-based wording and separate financial-year limitation provisions in Sections 73 and 74; Section 83(2) ends a provisional attachment after one year from the Section 83(1) order. Section 79 concerns recovery of unpaid amounts, a different power from provisional attachment. Section 107(1)/(4) ordinarily provides three months from communication for a taxpayer appeal and a further one month for sufficient cause; Sections 107(6)/(7) govern the required payment and resulting deemed stay of balance recovery. Devansh's specific judicial deadline should not be recast as the ordinary statutory limitation.

The current compilation limits Sections 73 and 74 to periods through FY 2023-24 and provides Section 74A for FY 2024-25 onwards. This later-period distinction does not change the identity of the 2021 notice reviewed here. Rule 142's notice/order-summary machinery was checked in the historical CBIC compilation as at 1 January 2022; the pleaded year/document mismatch was left for appeal. Notification 52/2023-Central Tax, dated 26 October 2023, rule 4, adds automatic one-year expiry to Rule 159(2), and rule 9 adds the corresponding expiry language to Form GST DRC-22. These are targeted primary-source checks, not a full audit of every State-law counterpart or every subsequent rule amendment.

Treatment note

Checked 13 October 2026. The exact official Supreme Court order in Ambika Traders, SLP(C) 23774/2025, dated 1 September 2025 was retrieved and fully read. It identifies Delhi W.P.(C) 4853/2025, decided on 29 July 2025, and dismisses the petition as not pressed. It does not affirm the High Court's reasoning on merits or settle consolidated GST notices nationwide. The relevant Ambika High Court reasoning was independently checked at paragraphs 43–47.

The official Ganpati Polymers High Court order of 8 August 2025, W.P.(C) 11906/2025, confirms the appeal relief at paragraphs 15–16. Devansh paragraph 15 reproduces the 13 October 2025 Supreme Court order in SLP(C) 27867/2025: it disposes of that SLP while granting time to prefer the statutory appeal and directing consideration of the litigation history on delay. A separate Supreme Court-hosted copy of that Ganpati order was not obtained in this check; the account here is grounded in the full quotation in the official Devansh judgment, not a cause list or secondary summary.

As broader context only, the separately identified Supreme Court order in Goldstone Infra, Diary 36408/2026, dated 28 July 2026 issues notice and tags the matter with Diary 60097/2025. The 24 July 2026 order in that Lakshmi Mobile Accessories matter gives a listing direction. Neither order grants a Devansh-specific stay or resolves the multi-year notice issue on merits.

Bounded searches by exact party spelling, both writ numbers and neutral citation, with appeal, review, stay and Supreme Court terms, including official court domains, did not establish a direct later stay, reversal or review modification of Devansh. Official case-status web requests did not yield a usable case-specific registry result. This remains unresolved ordinary appellate research, not verified absence of an appeal; no comprehensive registry/citator clearance or subsequent compliance verification is claimed.

Scope of source review

All 12 physical pages of the official Devansh judgment were fully read and individually visually inspected, including both captions, the complete reproduced departmental order, prior attachment order, incorporated Ambika reasoning, Supreme Court quotations and the operative paragraphs. Supplementary sources were reviewed only to the stated scopes. The underlying SCN, adjudication record, attachment/recovery instruments, appeal filing and portal compliance records were not separately obtained.

Source notes

The original spells the company Devansh Wire and Cables Private Limited in both captions and throughout the reproduced departmental order; the spelling Devanshi is not supported by that text. The neutral citation 2025:DHC:9964-DB is visible in the page images although absent from the principal extracted text. The decision date is 11 November 2025; the signature footer shows 15 November 2025. No separate reportability designation was identified.

Paragraph 12 describes the Ambika SLP as withdrawn, while the quoted and independently retrieved Supreme Court order says dismissed as not pressed. Paragraph 15 uses the shorthand dismissed for Ganpati, but the quotation's operative language disposes of that SLP with appeal-related relief; that distinction is preserved. The Rs. 10.70 crore allegation and Rs. 7,99,26,706 demanded tax are distinct source figures. The exact tax years of Devansh's notice are not stated. Original bytes are preserved; cryptographic signature validation is not claimed.

Primary source

Source description: Complete official Delhi High Court common judgment; fresh official download on 13 October 2026 matches the retained original byte for byte.

Official source: [Open source document](#)

Source pages: 12

Judgment author: Prathiba M. Singh, J.

Outcome type: mixed substantive ruling with conditional appeal and recovery relief

Additional source

Ambika Traders, Delhi High Court, 29 July 2025, 2025:DHC:6181-DB

Official source: [Open source document](#)

Pinpoint: Paragraphs 43–47, physical pp. 25–27; targeted text review of the incorporated consolidated-notice reasoning, not a full review of the 47-page case.

Ambika Traders v. Additional Commissioner, Supreme Court, SLP(C) 23774/2025, 1 September 2025

Official source: [Open source document](#)

Pinpoint: Complete one-page record of proceedings, fully read and individually viewed; paragraphs 1–2 dismiss the petition as not pressed.

Ganpati Polymers, Delhi High Court, W.P.(C) 11906/2025, 8 August 2025

Official source: [Open source document](#)

Pinpoint: Paragraphs 15–16, physical pp. 4–5, targeted text review; the later Supreme Court order is reproduced in Devansh paragraph 15, pp. 10–11.

India Code CGST Act compilation as at 11 June 2026

Official source: [Open source document](#)

Pinpoint: Targeted web text: physical p. 19, Section 2(106); pp. 67–70, Sections 73, 74 and 74A; pp. 73–75, Sections 79 and 83; pp. 85–86, Section 107. No whole-Act or complete visual review claimed.

CBIC CGST Rules compilation as at 1 January 2022

Official source: [Open source document](#)

Pinpoint: Retained official historical compilation: Rule 142 at physical pp. 163–164 (printed pp. 160–161) and Rule 159(1)/(2) at physical p. 171 (printed p. 168). Targeted text review only.

CBIC Notification 52/2023-Central Tax, 26 October 2023

Official source: [Open source document](#)

Pinpoint: Rule 4 on physical p. 1 and rule 9 on physical p. 4: Rule 159(2) and Form GST DRC-22 expiry wording. Targeted review.

Goldstone Infra, Supreme Court, Diary 36408/2026, 28 July 2026

Official source: [Open source document](#)

Pinpoint: Complete one-page retained official order, text reviewed: notice on SLP/interim prayer and tagging. Broader context, not direct Devansh appellate history.

Lakshmi Mobile Accessories, Supreme Court, Diary 60097/2025, 24 July 2026

Official source: [Open source document](#)

Pinpoint: Complete two-page retained official record, text reviewed; p. 2 posts the matters with SLP(C) 21345/2026. No merits disposition.

Disclosures and source rights

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

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