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

\+ **W.P.(C) 17469/2025 & CM APPL. 72086/2025**

SOUTH EAST ASIA COMPANY THROUGH ITS PROP. ISHANK GUPTA .....Petitioner

Through: Mr. Sparsh Bhargava, Ms. Ishita Farsaiya, Ms. Riddhi Vasistha and Mr. Vanshika Taneja, Advs. (9811225467)

versus

SUPERINTENDENT, CGST RANGE-28, CENTRAL TAXES, GST DELHI NORTH COMMISSIONERATE .....Respondent

Through: Ms. Monica Benjamin SSC with Ms. Nancy Jain, Adv. (8882573792)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

ORDER

% 18.11.2025

1. This hearing has been done through hybrid mode.

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2. Allowed, subject to all just exceptions. The application is disposed of.

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3. The present petition under Articles 226 and 227 of the Constitution of India has been filed *inter alia* challenging the Order-in-Original and Form DRC-07 both dated 03rd February, 2025 (hereinafter, *'impugned order'*). *Vide* the impugned order, demands have been raised against the Petitioner in the following terms:

5. Details of demand

(Amount in Rs.)

Sr. No.	Tax rate(%)	Turnover	Place of supply	Act	Tax/Cess	Interest	Penalty	Fee	Others	Total
1.	0	0.00	Delhi	IGST	2,575.00	18,390.00	2,575.00	0.00	0.00	23,540.00
2.	0	0.00	Delhi	CGST	992,770.00	46,540.00	992,770.00	0.00	0.00	2,032,080.00
3.	0	0.00	Delhi	SGST	992,770.00	40,854.00	992,770.00	0.00	0.00	2,026,394.00

4. The case of the Petitioner is two fold:

(i) Firstly, separate Forms DRC-07 have not been issued for different financial years.

(ii) Secondly, Section 74 of the Central Goods and Services Tax Act, 2017 (hereinafter, *'CGST Act'*) could not have been invoked as the Show Cause Notice (hereinafter, '*SCN*') dated 26th July, 2025 was itself based on GSTR-3B, GSTR-9 and the balance sheet which were all available on the portal itself.

5. Ms. Monica Benjamin ld. SSC for the Respondent refutes and submits that in the impugned order for each of the financial years, the audit paragraphs specifically record the demands that have been raised and therefore, the Form DRC-07 is only combining all of the said amounts and raising one demand in respect of one impugned order. Ld. SSC further submits that the question as to whether Section 74 of the CGST Act could have been invoked or not can be raised in an appeal.

6. The Court has considered the matter. A perusal of the Form DRC-07 shows that the same raises a total demand of Rs.40,82,014/- including interest and penalty. A perusal of the impugned order would show that in paragraph no.3, there are various audit sub-paragraphs *i.e.*, paragraph Nos.1 to 7, for which the demands which have been raised are as under:

Audit Paragraph No.	*Head*	*Amount*
1.	Short payment of tax due to reconciliation of GSTR-3B, GSTR-9 and Balance Sheet.	Rs.17,44,603/-
2.	Excess availment of Input Tax Credit as shown in GSTR-2A and GSTR-3B during the Financial Year 2019-20 & 2020-21.	Rs.36,125/-
3.	Non-payment of tax on other income.	10,636/-
4.	Interest on late payment of tax due to late filing of GSTR-3B.	5,686/-
5.	Non-payment of interest on payments made to the suppliers beyond 180 days.	1,00,098/-
6.	Reversal of Input Tax Credit in respect of blocked credit as per Section 17(5) of the CGST Act, 2017 during the Financial Year 2018-19.	1,75,226/-
7.	Non payment of tax on profit on sale of fixed assets shown in books of accounts.	21,524/-, 1,05,784/- and 19,88,114/-

7. These amounts are clearly decipherable from the impugned order. Though the demand relates to multiple financial years, since the impugned order is common and single in nature *i.e.,* dated 3rd February, 2025 the Petitioner is permitted to file one consolidated appeal *qua* the impugned order before the Appellate Authority under Section 107 of the CGST Act. The time for pre-deposit is extended till 20th December, 2025.

8. Let the Petitioner approach the Appellate Authority by 20th December,

2025. If the appeal is filed by 20th December, 2025, it shall not be dismissed on the ground of limitation and shall be adjudicated on merits.

9. The writ petition along with the pending application, is disposed of in the aforesaid terms.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

NOVEMBER 18, 2025

kk/ck