HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT TAX No. - 7500 of 2025

M/S S.D. Freshners Ltd. Through Its Director Shri Mahesh Prasad And Another

.....Petitioner(s)

Versus

Union Of India And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Varun Srivastava
Counsel for Respondent(s)	:	A.S.G.I., Krishna Agarawal, Parv Agarwal, Saumitra Singh

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Court No. - 3

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE VIVEK SARAN, J.

1. Heard Sri Dhruv Agrawal learned Senior Counsel assisted by Ms. Upasna Agrawal, Sri Varun Srivastava, Sri Nalin Talwar, Sri Rajesh Thakur and Sri Salil Arora learned counsel for the petitioner and Sri Parv Agarwal learned counsel for the revenue.

2. Similar matters are listed today at serial no. 244 of the cause list being Writ Tax Nos. 2537 of 2025, 1000 of 2025, 1119 of 2025, 2246 of 2025, 2247 of 2025, 2454 of 2025, 2456 of 2025, 2569 of 2025, 2795 of 2025, 2838 of 2025 and 4965 of 2025. Those cases were fixed for today for hearing/consideration on the stay application in view of earlier orders passed in similar matters.

3. Accordingly, listed matters have been taken up alongwith the present case.

4. Upon brief hearing, it transpires that coordinate bench in Writ-Tax No. 1000 of 2025 M/S Mandakini Heaven Huts Pvt. Ltd. Vs. Union of India and Another, has entertained that writ petition and granted interim protection upon following consideration made:

"1. Learned counsel for the petitioner submits that petitioner was issued a combined demand-cum-show cause notice for tax periods 2017-18, 2018-19, 2019-20, 2020-21 and 2021-22 under Section 74 of the Central Goods and Services Tax Act, 2017 ('the Act').

> *2. The petitioner filed reply to the show cause notice, raising specific objection regarding issuance of a combined show cause notice as the same did not disclose the year-wise/item-wise tax on various kind of sale and that issuance of composite notice was not permissible. Objection was also raised to invoking the provisions of Section 74 of the Act.*
>
> *3. The respondent, while passing the order impugned, though in a cursory manner, indicated that he did not find any legal infirmity in issuance of notice under Section 74 of the Act, the aspect of infirmity regarding composite notice was not adverted to.*
>
> *4. Submissions have been made that the Division Bench of Kerala High court in* ***Joint Commissioner (Intelligence & Enforcement) Vs. Lakshmi Mobile Accessories : 2025 SCC OnLine Ker 852****, inter alia, while dealing with the aspect of issuance of composite notice, came to a categorical conclusion that issuance of composite notice could not have been the scheme of the statutory provisions, which are expected to adhere to principles of fairness in taxation.*
>
> *5. In view of the submissions made, matter requires consideration.*
>
> *6. Counter affidavit be filed within a period of six weeks.*
>
> *7. In the meanwhile and till further orders, recovery, pursuant to the order in original dated 26.11.2024, shall remain stayed. "*

5. Interim order has also been passed in another case, namely Writ Tax No. 2569 of 2025. That order reads as below:

> *"1. It is submitted by counsel for the petitioner that the order impugned has been passed based on a combined demand-cum-show cause notice for financial years 2017-18 to 2020-21, which is not permissible.*
>
> *2. Learned counsel for the respondents prays for time to file counter affidavit.*
>
> *3. Time prayed for is allowed.*
>
> *4. List the petition on 07.08.2025 as fresh.*
>
> *5. Till the next date, recovery pursuant to the Order-in-Original dated 20.01.2025 (Annexure-1) shall remain stayed. "*

6. In all the other petitions, either instructions have been called or affidavits have been invited. However, no order has been passed on the stay application. In Writ Tax No. 4965 of 2025, following order was

passed on 16.10.2025:

> *"1. During the course of hearing, it transpires that two earlier petitions are pending before this Court being Writ Tax No. 1000 of 2025 and Writ Tax No. 2569 of 2025. Status of order of those proceedings are not before us.*
> *2. Put up on 03.11.2025 in the top ten cases along with Writ Tax No. 1000 of 2025 and Writ Tax No. 2569 of 2025 with liberty to learned counsel for the petitioner to mention the matter.*
> *3. In the meantime Shri Dhananjay Awasthi and other counsel for revenue may obtain instructions if they intend to file any counter affidavit, in the present case. Prima facie, it appears to us that the issue is purely legal. "*

7. Clearly the status of the Stay in the connected matters could not be made plain to the Court, on that date. Thereafter the case was directed to be listed for final hearing on 17.11.2025. However, hearing has not taken place, till date. In all other petitions namely Writ Tax Nos. 2537 of 2025, 1000 of 2025, 1119 of 2025, 2246 of 2025, 2247 of 2025, 2454 of 2025, 2456 of 2025, 2569 of 2025, 2795 of 2025, 2838 of 2025 and 4965 of 2025 stay applications are pending. In Writ Tax No. 1119 of 2025, an objection was raised (on 15.11.2025) that no stay order has been passed in subsequent petitions.

8. Today, learned Senior Counsel for the petitioner would submit that the issue involved in the present writ petition is the same as that in Writ Tax No. 1000 of 2025 wherein a detailed interim order has been granted. On that issue, besides the decision of the Kerala High Court in **Joint Commissioner (Intelligence & Enforcement) Vs. Lakshmi Mobile Accessories : 2025 SCC OnLine Ker 852**, three other High Courts namely Madras, Karnataka and Bombay have taken a similar view, favouring the assessee. Thus, reliance has been placed on the decision of the Madras High Court in **TVL Vardhan Infrastructure Vs. The Special Secretary and Others, Writ Petition No. 34792 of 2019** and the decisions in **Vermax Technologies Serviced Ltd. Vs. Assistant Commissioner of Central Tax, Bangalore (2024) 23 CENTAX 190 (KAR)** and **Mitroc Good Earth Developers Vs. Union of India (2025) 36 CENTAX 97 (BOM)**.

9. Also, it has been submitted, other issues are involving legalities of the action taken.

10. On the other hand, learned counsel for the revenue would contend, at present the issue has been decided in favour of the revenue by the Delhi High Court in **Ambika Traders.**

11. Clearly, matter requires consideration. It is also noted that the coordinate bench has earlier granted reasoned interim order. No contrary order has been passed by any other bench. Keeping in mind the rule of consistency that may ensure transparency in court proceedings and further keeping in mind the fact that three other High Courts have dealt with the issue and answered the same in favour of the assessee, at present case for interim protection has been made out in this case and the cases listed at serial no. 244 of the cause list (wherein no interim protection has been granted till date).

12. Accordingly, connect and list alongwith Writ Tax No. 1000 of 2025 on 06.1.2026 in top ten cases.

13. It is made clear, subject to time availability, hearing may not be adjourned any further.

14. Till the next date of listing, no coercive measures may be adopted against the petitioner pursuant to the impugned show cause notice dated 30.09.2025.

(Vivek Saran,J.) **(Saumitra Dayal Singh,J.)**

December 10, 2025
Faraz