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

\+ W.P.(C) 3892/2026

M/S NOVARTIS INDIA LIMITED .....Petitioner

Through: Mr. Arif Ahmed Khan, Ms. Shaziya Fahim, Ms. Saira Tagra, Mr. Afroz Ahmad Khan, Mr. Jitendra Kumar, Mr. Manoj Awasthi, Advs.

versus

COMMISSIONER OF TRADE AND TAXES & ANR. .....Respondents

Through: Ms. Vaishali Gupta and Ms Rashi Aggarwal, Advs.

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE AJAY DIGPAUL

O R D E R

% 27.03.2026

CM APPL. 19103/2026 *(Exemption)*

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 3892/2026

1. The petitioner is a registered dealer under the Delhi Value Added Tax, 2004, and was subjected to assessment proceedings for the year 2013-14, wherein a demand of Rs. 10,89,02,335/- towards tax and interest and a penalty of Rs. 6,84,57,228/- was levied.

2. The petitioner objected to the aforesaid assessment pursuant to the statutory proceedings provided under Sections 32 and 33 of the DVAT Act.

3. The operation of the assessment came to be stayed, subject to the

deposit of 5% of the disputed tax and interest, in view of provisions of Section 74(1)(b) of the DVAT Act.

4. It is the case of the petitioner that Sub-Section (2) of Section 34 of the DVAT Act mandates the respondent to complete the proceedings within the prescribed period of limitation of one year.

5. Once the same is not completed within a period of one year, the necessary sequel is that the demand cannot be enforced against the petitioner, much less the continuation of the assessment proceedings.

6. The learned counsel for the petitioner has urged that the issue is squarely covered by the Division Bench judgment of this Court in the matter of "***Shaila Enterprises vs. Commissioner of Value Added Tax***" reported in ***(2016) 94 VST 367 (Del).***

7. It is further claimed that the sequel of above is that the petitioner is entitled to a refund of the tax along with interest, as the amount was deposited pursuant to the order passed in the proceedings which can be said to have been lapsed having suffered the limitation.

8. Issue notice to the respondents.

9. Ms. Gupta, learned counsel waives notice for respondents.

10. List on 16^{th} July 2026.

NITIN WASUDEO SAMBRE, J

AJAY DIGPAUL, J

MARCH 27, 2026/DM/ST