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

\+ **W.P.(C) 13168/2025 &CM APPL. 53934/2025**

BHAMBRI INTERNATIONAL .....Petitioner

Through: Mr. R.S Yadav & Mr. Vishal Kashyap, Advs.

versus

PRINCIPAL COMMISSIONER CGST DELHI NORTH COMMISSIONERATE AND ORS .....Respondents

Through: Mr. Gibran Naushad, SSC.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE SHAIL JAIN

O R D E R

% 28.08.2025

1. This hearing has been done through hybrid mode.

CM APPL. 53933/2025 (for Exemption)

2. Allowed, subject to all just exceptions. Application stands disposed of.

W.P.(C) 13168/2025 &CM APPL. 53934/2025

3. The present petition challenges the impugned Order-in-Original dated 03rd February, 2025 wherein a demand has been raised against the Petitioner in respect of wrongful availment of Input Tax Credit (hereinafter "*ITC*") from one M/s RCI Industries.

4. The case of the Petitioner is that in respect of the same very transactions, the Directorate of Goods and Services Tax, Delhi ("*DGST*") had issued a Show Cause Notice dated 19thDecember, 2023(hereinafter "*SCN*") and vide order dated 23rd April, 2024, the SCN was dropped in the following terms:

"As regard observation No.3 i.e. ITC claimed from cancelled Dealer/return defaulters and tax nonpayers, it is to say that there is one dealer namely M/s RCI Industries & Technologies Ltd, goods were supplied by the supplier in physical mode with payment through banking channel only during the functioning period of firm.Relevant supporting documents viz. invoices, GSTR 2A data and transactions details in support of Bonafide claim are available and enclosed for perusal. Again, In the light of different court decisions wherein Hon'ble Courts have directed to allow the ITC in such conditions.
And Whereas, the taxpayer has enclosed supporting documents/information in respect of the observation and requested for dropping of the SCN on account of grounds explained above as no further tax liability can be imposed for the FY 2018-19."

5. Ld. Counsel for the Petitioner submits that in respect of the following seven invoices, the present impugned order has also been passed:

DETAILS OF INVOICES ISSUED BY M/S RCI INDUSTRIES & TECHNOLOGIES LIMITED TO M/S BHAMBRI INTERNATIONAL (FY 2018-19)

DATA AS PER GSTR-2A OF M/S BHAMBRI INTERNATIONAL FOR FY 2018-19

Sr. No	GSTIN	Name of the Supplier	Inv. No.	Dated	Total Inv. Value	Total Taxable Value	CGST	SGST	Total Tax
1	07AAACR5727Q2ZT	RCI Industries & Technologies Ltd	DS181900006	05-04-2018	11,02,887.00	9,34,650.00	84,118.50	84,118.50	1,68,237.00
2	07AAACR5727Q2ZT	RCI Industries & Technologies Ltd	DS181900033	11-04-2018	11,28,611.00	9,56,450.00	86,080.50	86,080.50	1,72,161.00
3	07AAACR5727Q2ZT	RCI Industries & Technologies Ltd	DS181900048	16-04-2018	11,18,628.20	9,47,990.00	85,319.10	85,319.10	1,70,638.20
4	07AAACR5727Q2ZT	RCI Industries & Technologies Ltd	DS1819000256	31-05-2018	11,88,307.20	10,07,040.00	90,633.60	90,633.60	1,81,267.20
5	07AAACR5727Q2ZT	RCI Industries & Technologies Ltd	DS1819000300	04-06-2018	11,99,765.00	10,16,750.00	91,507.50	91,507.50	1,83,015.00
6	07AAACR5727Q2ZT	RCI Industries & Technologies Ltd	DS1819000336	08-06-2018	6,02,791.20	5,10,840.00	45,975.60	45,975.60	91,951.20
7	07AAACR5727Q2ZT	RCI Industries & Technologies Ltd	DS1819001321	13-12-2018	8,61,400.00	7,30,000.00	65,700.00	65,700.00	1,31,400.00
					72,02,389.60	**61,03,720.00**	**5,49,334.80**	**5,49,334.80**	**10,98,669.60**

6. Let Mr. Gibran Naushad, ld. SSC to seek instructions in this matter and file an affidavit as to whether the impugned order is based on the above

mentioned seven invoices or not.

7. In the meantime, since there appears to be an overlap, no coercive measures shall be taken against the Petitioner.

8. Let a counter affidavit be filed within four weeks. Rejoinder, if any, be filed within four weeks thereafter.

9. List for hearing on 24th November, 2025.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

AUGUST 28, 2025
sk/ss