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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 19060/2025 & CM APPL. 79360/2025

M/S RST BATTERIES

.....Petitioner

Through: Mr. Aman Sinha, Mr. Nirmal Dixit,
Mr. Rahul Ranjan and Mr. Anand
Vijay, Advs.

versus

DEPUTY COMMISSIONER CGST DELHI WEST & ORS.

.....Respondents

Through: Mr. Anurag Ojha, SSC with Mr.
Dipak Raj, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **16.12.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, assailing the following Show Cause Notices (hereinafter, 'SCN') and also the consequent Orders-in-Original (hereinafter, '*impugned orders*'):
 - SCN dated 2nd August, 2024 as also the consequent impugned order dated 10th January, 2025; and
 - SCN dated 2nd August, 2024 as also the consequent impugned order dated 23rd January, 2025.
3. This writ petition demonstrates the manner in which the SCNs appear to be issued by the GST Department in respect of the same transactions, in a completely arbitrary manner.
4. The first SCN dated 18th December, 2019 was issued to the Petitioner



wherein a demand of Rs. 1,98,86,842/- has been raised in respect of transactions with the following companies:

S. No	Name of the Party	GSTIN	Taxable Value (Rs.)	IGS T (Rs.)	CGST (Rs.)	SGST (Rs.)	Total (Rs.)
5	Neelkanth Traders	07AJOPM6568N1Z8	47,62,812	0	4,28,653	4,28,653	8,57,306
20	Kanha Sales Corpn	07CNDPK4521J1Z2	8,13,45,778	0	73,21,120	73,21,120	14,642,240
22	Om Sales Corpn	07CTMPK1735R2ZY	2,43,73,862	0	2,193,647	2,193,647	4,387,296
	TOTAL				9,943,421	9,943,421	1,98,86,842

5. The said SCN was decided *vide* Order-in-Original dated 03rd February, 2025 against which the Petitioner has already filed an Appeal before the Commissioner (Appeals).

6. Thereafter, a second SCN was issued to the Petitioner on 02nd August, 2024. The said SCN was issued in respect of the same very transactions which were adjudicated *vide* Order-in-Original dated 03rd February, 2025. The details of the same are set out below:



GSTIN and Name of the Non-existent Party	IGST	CGST	SGST	Total
M/s KANHA SALES CORPORATION (07CNDPK4521J1Z2) (2017-18)	0	4,257,960	4,257,960	8,515,920
M/s KANHA SALES CORPORATION (07CNDPK4521J1Z2) (2018-19)	0	3,063,160	3,063,160	6,126,320
M/s OM SALES CORPORATION (07CTMPK1735R2ZY))	0	2,193,648	2,193,648	4,387,296
M/s NEELKANTH TRADERS (07AJOPM6568N1Z8)	0	428,653	428,653	857,306
TOTAL		9,943,421	9,943,421	19,886,842

7. The second SCN was adjudicated *vide* the impugned order dated 10th January, 2025 and the demand raised against the Petitioner is confirmed. The same has been challenged in the present writ petition.

8. Moreover, a third SCN which is also dated 2nd August, 2024 was also issued to the Petitioner. The said SCN was also issued in respect of the same very transactions which was adjudicated *vide* Order-in-Original dated 03rd February, 2025. The details of the same are set out below:



Sl No.	Name of the Non-existent Firm / GSTIN	Name of the Recipient / GSTIN	CGST	SGST	Total Tax
1	KANHA SALES CORPORATION / 07CNDPK4521J1Z2	RST Batteries / 07AAWFR4398G1ZE	7,321,120	7,321,120	14,642,240
2	OM SALES CORPORATION / 07CTMPK1735R2ZY	-	2,193,648	2,193,648	4,387,296
3	NEELKANTH TRADERS / 07AJOPM6568N1Z8	-	428,653	428,653	8,57,306
	TOTAL		9,943,421	9,943,421	19,886,842

9. The third SCN is adjudicated *vide* impugned order dated 23rd January, 2025 and the demand raised against the Petitioner is confirmed. The same has also been challenged in the present writ petition.

10. The Petitioner prays for quashing of the second and third SCNs as also the second and third impugned order *i.e.*, dated 10th January, 2025 and 23rd January, 2025 respectively.

11. Heard. Under Section 107(7) of the Central Goods and Service Tax Act, 2017 (hereinafter, 'CGST Act'), where any appeal is pending, the recovery proceedings for the balance amount are deemed to have been stayed.

12. Moreover, in the opinion of this Court, multiple SCNs cannot be issued in respect of the same transactions leading to multiple demands. This



would be contrary to the scheme of Section 6(2)(b) of the CGST Act.

13. Issue Notice. Mr. Ojha, Id. SSC accepts notice.

14. Let reply be filed within four weeks. Rejoinder thereto be filed within four weeks thereafter.

15. In the meantime, there shall be a stay of the second and third SCN both dated 02nd August, 2024 and the impugned order dated 10th January, 2025 arising from the second SCN and the impugned order dated 23rd January, 2025 arising out of the third SCN.

16. It is however made clear that the stay which has been granted is only in respect of the Petitioner and shall not be application not to any other party, who are noticees in these SCNs.

17. List before the Id. Joint Registrar on 30th January, 2026.

18. List before Court on 24th April, 2026.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

DECEMBER 16, 2025/pt/ck