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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1157 OF 2026

Metalloys Recycling Limited

...Petitioners

Versus

The Union of India & Ors.

...Respondents

Mr. Prakash Shah, Senior Advocate i/b. Dev Wadhwa for Petitioner.

None for Respondents.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 11th MARCH 2026

P.C.

1. Although the private service is effected on the Respondents, none appeared for them.

2. Accordingly issue notice to the Respondents returnable on 1st April 2026.

3. In addition to the Court notice, the Petitioner is permitted to serve the Respondents by private notice by all permissible modes of law and place on record affidavit of service to that effect.

4. We have heard Mr. Shah, learned Senior Counsel for the Petitioner.

5. As seen from the prayers in the Petition, the challenge in the present proceedings is to the Show Cause Notice-cum-Demand Notice dated 15th

September 2025, whereby a demand of Rs. 77,04,74,298/- has been raised against the Petitioner.

6. The Petitioner's contention is that the Show Cause Notice has been issued relying upon Rule 96(10) of the CGST Rules, 2017, which itself came to be omitted without any saving clause with effect from October 2024. It is the Petitioner's contention that the proceedings cannot be continued on such a defective premise, and that the Show Cause Notice itself is without jurisdiction, in view of Rule 96(10) having been omitted without any saving clause. In support of this contention, reliance is placed on the decision in Hikal Limited vs. Union of India & Ors. in Writ Petition No. 78 of 2025, decided on 11th September 2025.

7. Although certain other issues are also raised, including in regard to the clubbing of different years in the Show Cause Notice, we intend to hear the parties after the Respondents appear.

8. In the aforesaid backdrop, in our opinion, the Petitioner would be entitled to ad-interim protection. Accordingly, we order that till the adjourned date of hearing, the proceedings pursuant to the Show Cause Notice dated 15th September 2025 shall remain stayed.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)