



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.874/2026

Avexa Corproation Pvt. Ltd. .Vs. Deputy Commissioner of State Tax and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K.N.Shukul, Mr. R.N.Tiwari, Mr.G.Khatwani, Advocates for petitioner.
Mr. A. J. Gohokar, A.G.P for respondents.

CORAM : **ANIL L. PANSARE AND NIVEDITA P. MEHTA, JJ.**

DATE : **JANUARY 30, 2026.**

Heard.

2. Challenge is to the demand of Input Tax Credit (ITC) interest, and penalty for the period from 2017-18, on the ground that the Central Authority had already taken cognizance in February, 2019 and investigated the matter. Thereafter order was passed by adjudicating authority, which according to the petitioner, has been challenged before the Appellate Authority under Section 107 of the Central Goods and Services Tax Act, 2017 ("CGST Act"). Despite such status, respondent No.1 is proceeding with the matter.

3. In context with the above, counsel for the petitioner has invited our attention to the recent view taken by the Hon'ble Supreme Court in **Armour Security (India) Ltd. .Vs. Commissioner, CGST, Delhi, East Commissionarate and anr. [2025 SCC OnLine SC1700]**, wherein the Supreme Court has issued guidelines in the case where inquiry or investigation is taken up by more than one authority, the relevant part of which which reads thus:

"98. We issue the following guidelines to be followed in cases where, after the commencement of an inquiry or investigation by one authority, another inquiry or investigation on the same subject-matter is initiated by a different authority.

(a) Where a summons or a show-cause notice is issued by either the Central or the State tax authority to an assessee, the assessee is, in the first instance, obliged to comply by appearing and furnishing the requisite response, as the case may be. We say, so because, mere issuance of a summons does not enable either the issuing authority or the recipient to ascertain that proceedings have been initiated.

(b) Where an assessee becomes aware that the matter being inquired into or investigated is already the subject of an inquiry or investigation by another authority, the assessee shall forthwith inform, in writing, the authority that has initiated the subsequent inquiry or investigation.

(c) Upon receipt of such intimation from the assessee, the respective tax authorities shall communicate with each other to verify the veracity of the assessee's claim. We say, so as this course of action would obviate needless duplication of proceedings and ensure optimal utilization of the Department's time, effort, and resources, bearing in mind that action initiated by one authority enures to benefit of all.

(d) to (I) ...”

4. As could be seen, the assessee (petitioner in the present case), was under a duty to inform the authority (respondent No.1 herein) who has taken cognizance subsequently, of initiation of the inquiry/investigation by earlier authority (Central Authority). The petitioner in the present case, has done so vide communication dated 11.06.2025.

5. Grievance of the petitioner is that despite such status, respondent No. 3 issued notice under Section 132 of the Act of 2017 titled, “Police Prosecution Show Cause Notice” By the aforesaid notice, petitioner has been called upon to remain present on 03.02.2026 and to show cause as to why petitioner should not be prosecuted for the offence of making default of payment of taxes.

The petitioner is called upon to produce documentary evidence in support, if any. The action is said to be bad in law.

6. Issue notice to the respondents, returnable in three weeks.

7. Mr. A. J. Gohokar, A.G.P. waives service of notice for respondent No.1. Mrs. K. Jaltare, learned counsel who is present in the Court, is requested to take instructions on behalf of respondent Nos. 2 and 3.

8. In the meantime, there shall be stay to the notice dated 23.01.2026 issued by respondent No.1.

(JUDGE)

(JUDGE)

Kahale