

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

CJ Court

Case: **WP(C) No. 576 of 2021**

M/s Medley Pharmaceuticals Ltd. ...Petitioner(s)/Appellant(s)

Through: M/s Gautam Chugh and J. A.
Hamal, Advocates.

v/s

Deputy Commissioner CGST and another Respondent(s)

Through: Sh. Jagpaul Singh, Advocate.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE**

ORDER

1. In challenging the demand notice dated 10.03.2021 issued by the Deputy Commissioner CGST, demanding a sum of ₹ 89,83,574/- on account of interest, the petitioner has preferred this petition.

2. The sole question which has been raised before us is whether recovery proceedings under Section 79 of the Central Goods and Services Tax Act, 2017 can be initiated for the recovery of the interest as provided under Section 50 of the Act without initiating and completing the process of adjudication under the Act or in the absence of any notice or opportunity of hearing to the petitioner.

3. Sh. Jagpaul Singh, learned counsel for the respondent No. 1 prays for and is allowed six weeks time to file counter affidavit to the petition.

4. Two weeks thereafter are allowed to the petitioner to file rejoinder affidavit.

5. List for admission/final disposal on the expiry of the above period on 29th June 2021.

6. Respondent No. 2 is a formal party and service of notice upon it is dispensed with.

7. Until further orders of this court, the recovery pursuant to the impugned demand notice dated 10.03.2021 shall remain in abeyance provided the petitioner furnishes surety bond of the Managing Director of the Company to the satisfaction of the Deputy Commissioner Central CGST within a period of two weeks from today.

(SINDHU SHARMA)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Jammu
24.03.2021
Sunita

