2026:AHC:190631-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT TAX No. - 832 of 2023

Renowned Buildtech Private Limited

…..Petitioner(s)

Versus

Union of India and 2 others

…..Respondent(s)

Counsel for Petitioner(s) : Arjit Gupta, Manish Gupta
Counsel for Respondent(s) : A.S.G.I., C.S.C., Gopal Verma

Along with :

1. **Writ Tax No. 1361 of 2026:**
   M/s Sanwaria Traders
   Versus
   Union of India and 2 others
2. **Writ Tax No. 1609 of 2026:**
   M/s Shree Shyam Traders
   Versus
   Union of India and 3 others
3. **Writ Tax No. 2734 of 2026:**
   M/s Shree Ram Metal
   Versus
   Union of India and 3 others
4. **Writ Tax No. 2851 of 2025:**
   A.A. Industries (Proprietorship Firm)
   Versus
   Union of India and 4 others
5. **Writ Tax No. 3656 of 2026:**
   M/s Gaurav Trading Company
   Versus
   State of U.P. and 2 others
6. **Writ Tax No. 4213 of 2025:**
   M/s Batx Energies Private Limited
   Versus

Union of India and 5 others

7. **Writ Tax No. 1853 of 2026:**
M/s Gourav Roshni Limited
Versus
Union of India and another

8. **Writ Tax No. 2176 of 2026:**
M/s Pinnacle Superstructures Private Limited
Versus
State of U.P. and another

9. **Writ Tax No. 2701 of 2026:**
M/s Mahabir Traders Kachhawa Bazar
Versus
Union of India and 3 others

10. **Writ Tax No. 2851 of 2025:**
A.A. Industries (Proprietorship Firm)
Versus
Union of India and 4 others

11. **Writ Tax No. 2899 of 2026:**
M/s G.S. Construction Company
Versus
Union of India and 3 others

12. **Writ Tax No. 4296 of 2025:**
M/s Batx Energies Private Limited
Versus
Union of India and 5 others

13. **Writ Tax No. 1074 of 2026:**
M/s Maa Laxmi Traders
Versus
Union of India and 2 others

14. **Writ Tax No. 1280 of 2026:**
M/s Shiva Traders Company
Versus
Union of India and 2 others

15. **Writ Tax No. 1298 of 2026:**
M/s Sanwaria Traders
Versus
Union of India and 2 others

16. **Writ Tax No. 175 of 2025:**
M/s Mftrading Company
Versus
Union of India and 4 others

17. **Writ Tax No. 2175 of 2026:**
M/s Pinnacle Superstructures Private Limited
Versus
State of U.P. another

18. **Writ Tax No. 2737 of 2026:**
M/s Shree Ram Metal
Versus

Union of India and 3 others

19. **Writ Tax No. 2740 of 2026:**
M/s Shree Ram Metal
Versus
Union of India and 3 others

20. **Writ Tax No. 2819 of 2026:**
M/s Maa Bhagwati Oil Traders
Versus
State of U.P. and another

21. **Writ Tax No. 3352 of 2026:**
S/S Clasic Steel
Versus
State of Uttar Pradesh and 2 others

22. **Writ Tax No. 4077 of 2025:**
M/s Batx Energies Private Limited
Versus
Union of India and 3 others

23. **Writ Tax No. 4217 of 2025:**
M/s Batx Energies Private Limited
Versus
Union of India and 5 others

24. **Writ Tax No. 4294 of 2025:**
M/s Batx Energies Private Limited
Versus
Union of India and 5 others

25. **Writ Tax No. 1107 of 2026:**
M/s Shree Mahaveer Ji Trading Company
Versus
Union of India and 2 others

26. **Writ Tax No. 1139 of 2023:**
M/s Pratham Solutions
Versus
Union of India and 4 others

27. **Writ Tax No. 1165 of 2026:**
M/s Shyam Sundar Sita Ram Traders
Versus
Union of India and 2 others

28. **Writ Tax No. 1193 of 2026:**
M/s Baba Prashuram Enterprises
Versus
Union of India and 2 others

29. **Writ Tax No. 1284 of 2026:**
M/s Maa Laxmi Traders
Versus
Union of India and 2 others

30. **Writ Tax No. 1290 of 2026:**
M/s Sanwaria Traders
Versus
Union of India and 2 others

31. **Writ Tax No. 2757 of 2025:**

M/s S R Steel and Alloys
Versus
Union of India and 4 others

32. **Writ Tax No. 4293 of 2025:**
M/s Batx Energies Private Limited
Versus
Union of India and 5 others

33. **Writ Tax No. 4295 of 2025:**
M/s Batx Energies Private Limited
Versus
Union of India and 5 others

34. **Writ Tax No. 1147 of 2024:**
M/s Matra Chhaya Enterprises
Versus
Union of India and 3 others

35. **Writ Tax No. 172 of 2025:**
M/s Sr Steel and Alloys
Versus
Union of India Through Secretary
Ministry of Finance and 4 others

36. **Writ Tax No. 1752 of 2026:**
M/s Jak Traders
Versus
Union of India and 2 others

37. **Writ Tax No. 1808 of 2025:**
M/s B H N Sales Corporation
Versus
Union of India and 4 others

38. **Writ Tax No. 1898 of 2025:**
M/s S R Steel and Alloys
Versus
Union of India and 4 others

39. **Writ Tax No. 2382 of 2026:**
M/s Prayan Ispat and Steels P Ltd
Versus
Union of India and 2 others

40. **Writ Tax No. 2425 of 2026:**
M/s Jyorish Metal Industries Private Limited
Versus
Union of India and 2 others

41. **Writ Tax No. 2820 of 2026:**
M/s Maa Bhagwati Oil Traders
Versus
State of U.P. and another

42. **Writ Tax No. 383 of 2025:**
M/s Krishna Traders
Versus
Union of India and 4 others

43. **Writ Tax No. 1345 of 2026:**

M/s S D Recycling Process Industries
Versus
Union of India and 2 others

44. **Writ Tax No. 1349 of 2026:**
M/s S D Recycling Process Industries
Versus
Union of India and 2 others

45. **Writ Tax No. 1996 of 2026:**
M/s Prayan Ispat & Steel Private Limited
Versus
Union of India and 2 others

46. **Writ Tax No. 2572 of 2026:**
M/s Aggarwal Enterprises
Versus
State of UP and another

47. **Writ Tax No. 2742 of 2026:**
M/s Shree Ram Metal
Versus
Union of India and 2 others

48. **Writ Tax No. 2821 of 2026:**
M/s Maa Bhagwati Oil Traders
Versus
State of U.P. and another

49. **Writ Tax No. 4297 of 2025:**
M/s Batx Energies Private Limited
Versus
Union of India and 5 others

50. **Writ Tax No. 8159 of 2025:**
M/s Maa Sharda Transport and Suppliers
Versus
Union of India and 3 others

51. **Writ Tax No. 833 of 2023:**
Renowned Buildtech Private Limited
Versus
Union of India and 2 others

52. **Writ Tax No. 7024 of 2025:**
A.A. Industries (Propriestorship Firm)
Versus
Union of India and 3 others

53. **Writ Tax No. 876 of 2026:**
M/s Sajan Trading Company
Versus
State of Uttar Pradesh and 2 others

54. **Writ Tax No. 933 of 2026:**
M/s Sanwaria Traders
Versus
State of U.P. and another

55. **Writ Tax No. 1028 of 2026:**
M/s Anson Chemical Industries
Versus

Union of India and another

56. **Writ Tax No. 1259 of 2026:**
M/s Maa Laxmi Traders
Versus
Union of India and 2 others

57. **Writ Tax No. 1297 of 2026:**
M/s Shiva Traders Company
Versus
Union of India and 2 others

58. **Writ Tax No. 1348 of 2026:**
M/s S D Recycling Process Industries
Versus
Union of India and 2 others

59. **Writ Tax No. 1350 of 2026:**
M/s S D Recycling Process Industries
Versus
Union of India and 2 others

60. **Writ Tax No. 1362 of 2024:**
M/s Shiv Shakti Enterprises
Versus
Union of India and 3 others

61. **Writ Tax No. 1507 of 2026:**
M/s T.C. Communication Private Limited
Versus
Union of India and 2 others

62. **Writ Tax No. 2434 of 2026:**
Bgr Energy Systems Limited
Versus
Union of India and 4 others

63. **Writ Tax No. 2467 of 2026:**
M/s Mahabir Traders Kachhawa Bazar
Versus
Union of India and 3 others

64. **Writ Tax No. 2738 of 2026:**
M/s Shree Ram Metal
Versus
Union of India and 3 others

65. **Writ Tax No. 3447 of 2026:**
M/s India Steel Corporation
Versus
State of UP and another

66. **Writ Tax No. 8254 of 2025:**
M/s Maa Sharda Transport & Suppliers
Versus
Union of India and 3 others

67. **Writ Tax No. 866 of 2026:**
M/s Sajan Trading Company
Versus
State of U.P. and another

68. **Writ Tax No. 7025 of 2025:**

A.A. Industries (Proprietorship Firm)
Versus
Union of India and 3 others

69. **Writ Tax No. 870 of 2026:**
M/s Sajan Trading Company
Versus
State of U.P. and 2 others

70. **Writ Tax No. 934 of 2026:**
M/s Baba Parusram Enterprises
Versus
State of U.P. and another

71. **Writ Tax No. 1657 of 2026:**
M/s Downtown Infrastructure Private Limited
Versus
Union of India and 2 others

72. **Writ Tax No. 1803 of 2025:**
M/s M.F. Trading Company
Versus
Union of India and 4 others

73. **Writ Tax No. 1809 of 2025:**
M/s M.F. Trading Company
Versus
Union of India and 4 others

74. **Writ Tax No. 1850 of 2026:**
M/s Gourav Roshni Limited
Versus
Union of India and another

75. **Writ Tax No. 1964 of 2026:**
M/s Gaurav Trading Company
Versus
Union of India and 2 others

76. **Writ Tax No. 2203 of 2026:**
M/s Prayan Ispat and Steels (P) Ltd
Versus
Union of India and another

77. **Writ Tax No. 2849 of 2025:**
A.A. Industries
Versus
Union of India and 4 others

78. **Writ Tax No. 3546 of 2026:**
S/S Clasic Steel
Versus
State of Uttar Pradesh and 2 others

79. **Writ Tax No. 3678 of 2026:**
M/s Gaurav Trading Company
Versus
State of Uttar Pradesh and another

80. **Writ Tax No. 445 of 2024:**
M/s M J Corporation

Versus
Union of India and 3 others

81. Writ Tax No. 448 of 2024:
M/s M J Corporation
Versus
Union of India and 3 others

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. The prayer made in this writ petition is to declare provisions of Section 16(2)(c) of the U.P. G.S.T. 2017 (hereinafter to as the 'State Act') and parallel provision under the Central Goods and Services Tax Act, 2017 (hereinafter referred to as 'Central Act') ultra vires the Constitution of India.

2. Similar prayer has been made in each of the petitions listed in this batch.

3. At the same time, besides the issue of validity of the provisions of Section 16(2)(c) of the State Act and the Central Act, other issues are involved in some of the petitions.

4. On the last date, the Revenue had placed on record copy of the order passed by the Supreme Court in ***Bhandari Scrap Traders versus Union of Indian and Others SCC Online SC 1570 dated 24.07.2026***.

5. For ready reference that order reads as below:-

> *"Though we are informed that a special leave petition has been entertained in relation to the decision of the Tripura High Court in Sahil Enterprises vs. Union of India & Ors., we find from the judgment passed by the High Court of Tripura that the exercise undertaken by the High Court of Gujarat in the judgment, presently under challenge, was not undertaken by it.*

The distinction and differences between the provisions of the Delhi Value Added Tax Act, 2004, and the Central Goods and Services Tax Act, 2017, brought out by way of a detailed analysis from paragraph 42 onwards in the impugned judgment along with the scheme of availing Input Tax Credit (ITC) under the GST regime, as set out in paragraph 56 of the impugned judgment, clearly demonstrate that there is no possibility of drawing parity between the provisions of the two enactments, so as to treat a purchasing dealer under the CGST Act on par with a purported bonafide purchasing dealer under the Delhi VAT Act in relation to ITC, when the supplier-dealer fails to pay the requisite tax.

Further, the High Court of Gujarat has also referred to the provisions of Section 41 of the CGST Act and also Sections 73 and 74 thereof in the context of the purchasing dealer under the CGST regime being entitled to re-avail the reversed ITC after the supplier-dealer is made to discharge the tax liability.

In that view of the matter, the High Court was fully justified in holding that no grounds were made out to declare Section 16(2)(c) of the CGST Act as unconstitutional or read down the provisions thereof. We find ourselves in complete and respectful agreement with the views expressed by the High Court of Gujarat and affirm and uphold the impugned judgment.

The special leave petitions are, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of."

6. Accordingly, the Revenue contends that the challenge to the validity of Section 16(2)(c) of the Central Act and the State Act does not survive for adjudication by this Court, in view of the categorical pronouncement of the Supreme Court in Bhandari Scrap Traders (Supra).

7. That position is undisputed.

8. In this status of the law, we had given option to all counsel for the individual petitioners to indicate the details of cases that survive for consideration of other legal issues.

9. No indication has been made in the present batch-that any of these petitioners wish to press their petition any further.

10. Another set of petitioners specifically prayed that their writ petitions may be dismissed with liberty to avail statutory remedies. Those petitions have been dismissed vide order passed today, with lead case being Writ Tax No. 498 of 2023.

11. In the petitions being decided by this order, no specific request has been made to keep these writ petitions pending.

12. Accordingly, these writ petitions are also dismissed with liberty to individual petitioners to file individual appeals against the impugned orders, or to respond to the statutory notice as the case may be, within a period of three weeks from today. If such replies/appeals are filed within time granted, the same may be entertained and dealt with on its own merits without any objection as to limitation.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

September 11, 2026
Shweta