08.10.2026
ct no. 10
Sl. 32
AGM

WPA 23299 of 2026

Balaram Halder
-Versus-
Union of India & Ors.

Mr. Mukul Lahiri, Sr. Adv.
Mr. Durga Prasad Dutta.
Mr. Sumanta Ganguly.
...For the petitioner.

Mr. Vipul Kundalia, Sr. Adv.
Mr. Abhradip Maity.
Mr. Anindya Kanan.
... For the respondent no. 2 and 3.

Mr. Anjan Sengupta.
... For the Union of India.

1. Supplementary affidavit filed by the petitioner is kept on record and a copy thereof has already been served upon the GST Authorities.

2. The petitioner has challenged the Show Cause cum Demand Notice dated 18.08.2026 issued by respondent No. 3 raising a demand of Rs. 55,29,508/- under Central Goods and Services Tax Act, 2017 (CGST Act) by clubbing Financial Years 2021-22 to 2025-26, is ex facie bad, illegal, without jurisdiction and barred by limitation under Section 74 of CGST Act, 2017.

3. It is contended that multiple Assessment Years cannot be clubbed together in a single Show Cause Notice. Hence, the demand is liable to be set aside. The proper Officer has determined the tax liability for the assessment year in question for out of which two

periods namely, 2020-21 and 2022-23 have already been taken cognizance of by the appellate authority and the matter is pending adjudication before it.

4. Issuance of consolidated notice is de hors statutory mandate.

5. In this context, the respondent raises an objection to the point of maintainability and submits that issue involved herein stands settled by the Hon'ble Apex Court as observed in the case of **M/s Mathur Polymers –vs- Union of India & Ors.** reported in **Special Leave Petition (Civil) Diary no. 50279 of 2025**, order dated 7.11.2025 which is reproduced below:

> "*However, we find no good ground and reason to interfere with the impugned judgment/order passed by the High Court. The special leave petition is, accordingly dismissed.*"

6. It is further submitted by the respondents by placing reliance on another judgment of the Coordinate Bench in the case of **UBS Exports International Pvt. Ltd. And Another –Vs- State of West Bengal and Others** reported in **2025 SCC Online Cal 3966** by placing reliance upon paragraph 9 wherein the writ petition stands dismissed on the ground of the alternative remedy. The respondent places reliance on paragraph 9 of the said judgment, which is reproduced hereunder:

> "9. *As rightly pointed out by Mr. Siddiqui, learned Additional Government pleader the aforesaid judgments have been delivered under Section 73 of the said Act. Be that as it may, taking into*

consideration the fact that the petitioners have an efficacious alternative remedy, all such issues which the petitioners seeks to raise can be decided by the appellate authority, I am of the view that there is no scope to entertain the writ petition especially having regard to the fact that the petitioners at the first instance after the aforesaid show cause was issued, did not proceed to challenge the same. The belated attempt made the petitioners to challenge the show cause along with he final order appear to be an attempt made by the petitioners to abruptly stall the multitired adjudicatory process provided for in the scheme of the said Act. No exceptional case for interference has been made out. There is no explanation for the delay in filing the petition as well."

7. The petitioners further relies upon the judgment of the Bombay High Court in the case of **Mirloc Good Earth Developers –vs- Union of India** reported in **2026 (104) GSTL 45 (Bom)** wherein an identical issue has been referred to a Larger Bench for a decision on the question of law formulated by the Hon'ble Bombay High Court.

8. The petitioner also relies upon a judgment of the High Court of Calcutta, in the case of **State Bank of India vs. Commercial CGST & CE, SLG Commissionerate** reported in **2026 (187 taxmann.com 1127 (Calcutta)** paragraph 40,51 and 52 is set out hereunder:

"*40. By issuing single show-cause notice for multiple financial years under Section 74 of the 2017 Act, the revenue authority seeks to invoke its power not only for the relevant financial year but also for the previous financial years, for which no show-cause notice can be issued, having been barred by the period of limitation mentioned under sub-Section (10) to Section 74 of 2017 Act. In effect, the revenue seeks to achieve to lay their hands on the previous assessment years having been barred by limitation, which it could not and cannot do directly but seeks to do indirectly, is not permissible in law.*

51. in view of the forgoing reasons and discussions, the impugned show-cause notice dated June 25, 2025 part of Annexure-P8 at page 94 the writ petition and the consequential impugned order-in-original dated December 12,2025 Annexure- P12 at page 454 to the writ petition stand set aside and quashed.
52. However, it is made clear that this Court has not gone into the rival contentions of the parties on merits. Since the impugned show-cause notice and the consequential order-i-original suffer from jurisdictional error on the face of it, this Court has proceeded on such jurisdictional issues, as narrated above and not beyond that. This Court has not expressed any opinion on the other points raised by the petitioner."

9. The Learned Senior Counsel appearing for CGST Authorities submits that the present Writ Petition is not maintainable due to efficacious alternative statutory remedy is available by way of an Appeal under Section 107 of the CGST Act, 2017. Issues of clubbing of assessment years and limitation can be agitated before the Appellate Authority. In this context, reliance is placed upon an order of this Court dated 19.08.2026 in the case of WPA 10419 of 2026 in the case of SS Iron & Steel and Anr Vs. Union of India and Others.

10. The learned Counsel appearing for the GST authorities submits that the consolidated issuance of the show cause notice has already been decided on 26.08.2025 by the Hon'ble Division Bench of Delhi High Court in the case of the **M/s Mathur Polymers –vs- Uniof of India & Ors.** prior to the decision of the Division Bench of Kerala High Court in the case of ***Joint Commissioner(intelligence & Enforcement) vs. Lakshmi Mobile Accessories***;

11. It is further submitted that both the matters bunching all show cause notices, wherein in the case of **M/s Mathur Polymers (supra),** the Hon'ble Supreme Court has been pleased to affirm on 14.11.2025 the order of the Division Bench Judgment of the Delhi High Court whereas in the case of Joint Commissioner(intelligence & Enforcement) (supra).

12. The Hon'ble Supreme Court has only issued a notice by seeking an application for condonation of delay as well as the special leave petition on 14.11.2025 and, as a result of which, the decision taken by the Hon'ble Supreme Court by affirming the Davison Bench judgment of the Delhi High Court still holds the field.

13. Having heard the Learned Counsels for the respective parties and upon perusing of all the materials available on records, this Court is of the prima facie view that the issues of limitation, jurisdiction and permissibility of clubbing of different Financial Years involved disputed question of facts and law which can be more effectively adjudicated by the Appellate Authority under Section 107 of the CGST Act.

14. The petitioner is directed to file a comprehensive and detailed reply rebutting the allegations made in the show cause cum demand notice dated 18.8.2026 within a period of five weeks from date before the

respondent no. 3 and the same shall be considered and disposed of within a period of four weeks from the date of receipt of the reply and pass a reasoned and speaking order in accordance with law upon affording opportunity of personal hearing to the petitioner and communicate such decision within a week thereafter.

15. However, it is made that the respondent no. 3 has already issued a notice of hearing to the petitioner fixing 15th October 2026 at 2.30 p.m. in virtual mode for conducting personal hearing to the petitioner. Since this Court has directed the petitioner to file a fresh reply to the impugned Show Cause Notice dated 18.08.2026, till such decision attains finality respondent authority shall not give effect to the demand raised in the said Show Cause Notice. If the petitioner fails to file reply before 30.11.2026, interim protection shall stands vacated without any further reference to this court and respondents shall be at liberty to take necessary steps in accordance with law.

16. With the above observations and the directions, the present Writ Petition is disposed of without going into the merits of the case.

17. The respondent No. 3 shall take an independent decision without being influenced by the observations

made hereinabove. The petitioner is directed not to seek any further unnecessary adjournment.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Smita Das De, J.)