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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1366/2021

TATA STARBUCKS PRIVATE LIMITED

..... Petitioner

Through: Mr. Rohan Shah and Mr. S. Mahesh
Shasranaman, Advs.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ravi Prakash and Mr. Aditya
Hooda, Advs. for R-1 to 3.
Mr. Amit Bansal and Ms. Vipasha
Mishra, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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11.02.2021

[VIA VIDEO CONFERENCING]

CM No.3821/2021 (for exemption)

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

W.P.(C) No.1366/2021 & CM No.3820/2021 (for interim relief)

3. The challenge in this writ petition is to the vires of Section 171 of the Central Goods and Services Act, 2017 and Rules 122, 126 and 133 of the Central Goods and Services Rules, 2017.
4. Other writ petitions entailing similar challenge are listed on 15th February, 2021.
5. Issue notice.

6. Notice is accepted by the counsels for the respondents.
7. We have heard the counsel for the petitioner and the counsel for the respondents on the interim relief.
8. Keeping in view the orders passed by this Court in *Philips India Limited vs. Union of India W.P.(C) No. 3737/2020*, *Samsonite South Asia Pvt Ltd vs. Union of India W.P.(C) No. 4131/2020*, *Patanjali Ayurved Ltd. Vs. Union of India W.P.(C) No. 4375/2020* and *Cilantro Diners Pvt Ltd Vs. Union of India W.P.(C)4824/2020*, subject to the petitioner depositing the entire principal profiteered amount i.e. Rs. 1,04,70,664/- as levied excluding the GST amount already deposited, within four months, in equal monthly instalments, there shall be a stay, as far as the direction for payment is concerned.
9. As far as the direction in the impugned order, for reduction of prices is concerned, it is deemed appropriate that the respondents file a reply to the application for interim relief. A separate date for hearing of CM No.3820/2021 qua the said direction, be sought on 15th February, 2021; till then, there shall be stay of the said direction.
10. List on 15th February, 2021.

RAJIV SAHAI ENDLAW, J.

SANJEEV NARULA, J.

FEBRUARY 11, 2021

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