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

+ **W.P.(C) 2435/2021 & CM No.7083/2021**

SPNN BUSINESS SERVICES PVT. LTD. Petitioner

Through: Mr. Tarun Gulati, Sr. Adv. With Ms.
Vibhooti Malhotra and Mr. Bhuvnesh
Satija, Advs.

versus

COMMISSIONER OF CENTRAL TAX (GST),
DELHI SOUTH & ANR.

.... Respondents

Through Mr. Satish Aggarwala, SPP with Mr.
Jasneet Jolly and Mr. Gagan Vaswani,
Advs. Along with I.O. Ajab Singh.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

% **05.03.2021**

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. Pursuant to the order dated 03.03.2021; two affidavits have been filed on behalf of the petitioner-company.

1.1 The first affidavit has been filed by, one, Mr. Navneet Singh, who claims to be the director of the petitioner-company. This affidavit is dated 03.03.2021. The affidavit is accompanied by Annexure A-1, which bears out the details of the employees engaged by the petitioner-company.

1.2. The details include the name, the Aadhaar card number, the banker with whom the employees have maintained their accounts, the IFSC code details and the bank account number. We are told that there are 14,600 employees whose details have been given in Annexure A-1.

1.3 Insofar as the other affidavit is concerned, it is sworn by Mr. Prateek Jha, who is also a director in the petitioner-company. This affidavit is also dated 03.03.2021. In paragraph 3 of the affidavit, Mr. Prateek Jha has averred that five immovable properties, referred to in the order dated 03.03.2021, are free from encumbrances and/or charge.

1.4 Furthermore, Mr. Jha has gone on to aver in paragraph 4 of the very same affidavit that he undertakes to deposit the original title deeds of the said properties upon a direction being issued by the Court in that behalf.

2. The concern of the Court, presently, is with regard to the employees engaged by the petitioner-company. Because of the provisional attachment ordered by the respondents on 09.02.2021, 11 bank accounts of the petitioner-company have become inoperable.

2.1. It appears that the petitioner-company had filed its objections *qua* the order of attachment, which were rejected on 18.02.2021. It is in this backdrop that the petitioner-company has approached this Court for interim directions for lifting the provisional attachment so that the subject bank accounts could become operable and the petitioner-company is not only able to pay the salaries and other statutory dues concerning its employees but is also able to pay the amounts claimed by the respondents.

3. It is not in dispute that the respondents have not carried out an assessment, as yet. It is also not in dispute that the petitioner-company has not made a self-assessment of the tax dues, if any, payable by it.

3.1. As noticed in our order dated 03.03.2021, the cumulative amount outstanding as on that date as per the respondents is Rs.20.22 crores which includes the principal amount of Rs.17.26 crores and interest amounting to Rs.2.96 crores.

3.2. We are informed, [and this is something which Mr. Satish Aggarwala, who appears on behalf of the Revenue, does not dispute] that the cumulative amount which the respondents claimed prior to 03.03.2021 was approximately Rs.24,96,42,318/-. The petitioner-company, we are told, has paid Rs.7.70 crores to the respondents prior to our order dated 03.03.2021. It is on account of this payment that the principal liability got scaled down to approximately Rs.17.00 crores.

3.3. As noticed above, the interest component, which is, included in Rs.20.22 crores is Rs.2.96 crores. Thus, having regard to the aforesaid circumstances, we are inclined to issue the following directions:

(i) The provisional attachment *vis-à-vis* the 11 bank accounts, the details of which are given hereafter shall stand lifted:

S.No.	Bank Account Number	Bank Particulars
1.	055105006090	ICICI Bank
2.	055105007037	ICICI Bank
3.	404004004000	RBL Bank
4.	403003003000	RBL Bank
5.	409000623547	RBL Bank
6.	409000653803	RBL Bank
7.	50200030856352	HDFC Bank
8.	111511100005428	Andhra Bank
9.	1431214000058	Canara Bank
10.	54746284001	HSBC Bank
11.	10050269366	IDFC Bank

(ii) Since the exact credit balance available in the aforementioned 11 bank accounts is not known [although both sides claim it is in the range of at least Rs.5.00 crores] the petitioner-company will ensure that it retains only a cumulative amount of Rs.2.00 crores in the said bank accounts and deposits the balance amount with the respondents. This exercise will be completed within two days of the receipt of a copy of the order. [We may note that Mr. Aggarwala has stated that as per the information available with the respondents, as of now, the cumulative amount available in the aforementioned 11 bank accounts is approximately Rs.5.00 crores. Mr. Tarun Gulati, learned senior counsel, who appears on behalf of the petitioner-company, on the other hand, informs us, on instructions, that the cumulative amount available in the 11 bank accounts is approximately Rs.5.80 crores.] Therefore, as indicated above, apart from Rs.2.00 crores whatever balance amount is available in 11 bank accounts, the same will be deposited with the respondents [“excess amount”].

(iii) The petitioner-company will deposit the first tranche of Rs.5.00 crores with the respondents on or before 31.03.2021. This will be apart from the excess amount that the petitioner-company is required to deposit with the respondents.

(iv) Insofar as the remaining tranches are concerned, we will fix the timelines once the petitioner-company fulfils the directions with regard to the payment of monies to the respondents, as set forth hereinabove.

(v) The petitioner-company will deposit the original title deeds of five properties mentioned in our order dated 03.03.2021 and, in the affidavit of Mr. Jha, with the respondents, within two days of the receipt of a copy of this order.

(vi) We make it clear that if there is any infraction concerning the direction issued by this Court, the respondents will have leave to attach the immovable properties and proceed to sell the same.

(vii) Furthermore, the respondents will have leave to immediately move the Court for appropriate orders *qua* the petitioner-company and/or its directors.

3.4. It is ordered accordingly.

4. Mr. Gulati says that Mr. Navneet Singh will join the proceedings as soon as he is served with the summons.

4.1 Mr. Aggarwala says that the respondents will take necessary steps in that behalf.

5. We also make it clear that Rs. 2.00 crores which the petitioner-company, for the moment, has been permitted to collect from the 11 bank accounts will be only used to pay the salaries of the employees whose details have been given in the affidavit of Mr. Singh.

6. All concerned will act on a digitally signed copy of this order.

7. List the matter on 05.04.2021.

RAJIV SHAKDHER, J

TALWANT SINGH, J

MARCH 5, 2021/aj
W.P.(C) 2435/2021

Click here to check corrigendum, if any

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