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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 26.02.2024

+ **W.P.(C) 16677/2023 & CM APPL. 67209/2023**

JAGDISH BANSAL, PROPRIETOR,
M/S SHIVAM IRON STORE

..... Petitioner

versus

UNION OF INDIA & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner

Ms. Mehak Dhiman and Mr. Utkarsh Kumar,
Advocate.

For the Respondents:

Mr. Sanjib Kumar Mohanty, SPL with Mr. Subesh
Kumar S., Ms. Anushka Jakhodia, Advocates for R-1.
Mr. Akshay Amri Tanshu, Sr. Standing Counsel with
Ms. Anjali Kumari, Mr. Samyak Jain and Mr. Ayush
Raj, Advocates for R-2.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Mr. Sanjib Kumar Mohanty, learned counsel appearing for the respondent no.1 submits that he has been appearing in these proceedings through VC, however, his presence has not been noticed



in orders dated 22.12.2023, 03.01.2024 and 11.01.2024 though he had appeared for respondent no.1.

2. In view of the above, the presence of Mr. Sanjib Kumar Mohanty, Advocate shall be read in orders dated 22.12.2023, 03.01.2024 and 11.01.2024 as having been appeared for respondent No.1.

3. Petitioner seeks a declaration that seizure of cash by respondent no.2 from the residential premises and office of the petitioner was unlawful.

4. A search and seizure operation was carried out at the premises of the petitioner (i.e. the residential premises as well as shop of the petitioner) on 30.11.2022 and cash in a sum of Rs. 65,00,000/- and Rs. 7,00,000/- was seized from the residential premises and office of the petitioner respectively.

5. Reference may be had to the judgment of this Court in *K.M. Food Infrastructure Pvt. Ltd. vs. Director General (DGGI) 2024: DHC:1081-DB* wherein in similar circumstances this Court while interpreting provision of Section 67 of the Central Goods and Services Tax Act 2017 (herein referred to as) has held that 'cash' is clearly excluded from the definition of the term 'goods' and would fall with the definition of 'money' as defined in Section 2 (75) of the Act. This Court has further held that since cash is not goods, it could not have



been seized under the provision of the Act, as seizure is limited to the goods liable for confiscation.

6. The ratio of the said judgments squarely applied to the facts of the present case. Accordingly, we hold that there is no justification for resumption of cash and its continued retention by the respondents. Accordingly, the petition is allowed and respondents are directed to forfeit/remit the said cash seized from the premises of the petitioner to the petitioner along with interest. It is however clarified that respondents are not precluded from taking any action or instituting any other proceedings under the Act in accordingly with law.

7. This petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

RAVINDER DUDEJA, J

FEBRUARY 26, 2024/ss