



**M/s Prime Steel Industries Pvt. Ltd. vs. State of H.P.
& others**

CWP No.2785 of 2024

03.04.2024 Present: Mr. J.S. Bedi, Mr. Goverdhan Lal Sharma and Mr. Yashpal, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Sushant Keprate, Additional Advocate General, for the respondents.

CWP No.2785 of 2024 & CMP No.4311 of 2024

Notice.

Mr. Sushant Keprate, learned Additional Advocate General, accepts service of notice on behalf of the respondents.

Learned counsel for the petitioner contends that the 2nd respondent had issued show cause notice (Annexures P-1 & P-2) under form GST DRC-01 without serving notice under Rule 99 in form GST ASMT-10. He also placed reliance on the judgment of the Gauhati High Court in *M/s Pepsico India Holdings Pvt. Ltd. vs. Union of India*, WP(C)/6960/2023 dt. 13.12.2023, wherein interim order has been issued in similar circumstances.

The Additional Advocate General admits that prior to issuance of the form GST DRC-01 dt. 16.02.2024 and 28.02.2024 to the petitioner, the 2nd respondent had not issued a notice form GST ASMT-10.

A reading of Rule 99 of CGST Rules, 2017, makes it clear that the issuance of notice to the petitioner in form GST ASMT-10, prior to issuance of a show cause notice, is mandatory. Therefore, there shall be stay of all further proceedings pursuant to Annexures P-1 & P-2.

List on 12th June, 2024.

Reply be filed by the said date.

(M.S. Ramachandra Rao)
Chief Justice

(Jyotsna Rewal Dua)
Judge

April 03, 2024
(vt)