

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No.M-45649 of 2018 (O&M)
Date of Decision: December 13, 2018**

Vikas Goel and another

...Petitioners

VERSUS

Central Goods and Services Tax Commissionerate, Gurugram

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Akshay Bhan, Senior Advocate with
Mr.Amandeep Singh, Advocate
for the petitioners.

Mr.Sunish Bundlish, Advocate
for the respondent.

INDERJIT SINGH, J.

Petitioners Vikas Goel and Raju Singh have filed this petition under Section 439 Cr.P.C. for grant of regular bail in arrest made by Director General of Goods and Services Tax Intelligence, Gurugram Zonal Unit under the provisions of Section 69 of CGST Act, 2017 as per application for judicial remand dated 14.09.2018 filed before learned Chief Judicial Magistrate, Gurugram, in view of the facts and circumstances of the present case.

Notice of motion was issued. Learned counsel for the respondent appeared and contested the petition. Reply was also filed by the respondent.

Learned counsel for the petitioners argued that petitioners have

been taken into custody under Section 69 of the CGST Act without making any assessment by the competent authority. Furthermore, if the respondent makes assessment, that assessment firstly, is appealable and can be quashed, secondly, the petitioners have remedy to compound that order by paying the tax etc. He next argued that a complaint has been filed and the petitioners are only to face trial in the complaint case.

On the other hand, learned counsel for the respondent argued that there are serious allegations against the present petitioners. They have made bogus billing and adjusted the amount without any transportation of the goods or sale of goods etc. Only paper transactions were done and amounts have been adjusted and wrongly claimed relief of more than ₹80 crores. He further argued that assessment proceedings are independent proceedings and have nothing to do with the complaint case. As per learned counsel for the respondent, the officer from the office of Director General of Goods and Services Tax Intelligence visited the registered premisses of M/s Sriram Industries and said premises was found closed and on enquiry from the person available in the close vicinity, it was ascertained that the said premises was closed for the last five years. It was found further found that premises was controlled and used by Vinay Kumar Gupta, Director of M/s MICA Industries. Then search was conducted leading to recovery and seizure of a large number of incriminating documents indicating evasion of CGST duty. Statement of Vinod Kumar, proprietor of M/s Sriram Industries was recorded. Similarly, statements of Vinay Gupta, Director and Rajiv Gupta, Account Head, M/s MICA Industries Limited were recorded. Statement of Raju Singh, proprietor of M/s Galaxy Metals Products was also recorded and in view of the statements, further investigation was

conducted from transporters etc.

I have heard learned counsel for the parties and have gone through the record.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offence and in view of the fact there were justifiable grounds to arrest the petitioners under Section 69 of the CGST Act and further in view of the fact that case involves evasion of more than ₹80 crores of tax under the CGST and offence is punishable with imprisonment for a period of five years and complaint is stated to have already been filed, I do not find any ground to grant benefit of regular bail to the petitioners.

Therefore, finding no merit in the present petition, the same is dismissed.

However, nothing stated above, shall constitute my opinion on merits of the case.

December 13, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No