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

+ **W.P.(C) 8967/2025**

HYT ENGINEERING COMPANY PRIVATE LIMITED

.....Petitioner

Through: Mr. Bharat Raichandani,
Ms. Annweshaa Laskar and Ms.
Prachi Sharma, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Varun Vats, Advocate for UOI/
R-1
Ms. Monica Benjamin, SSC with
Ms. Nancy Jain, Adv. for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **03.07.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 38299/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 8967/2025 & CM APPL. 38298/2025 (for stay)

3. The present petition has been filed by the Petitioner – HYT Engineering Company Private Limited under Article 226 of the Constitution of India, *inter alia*, challenging the impugned Audit Report dated 21st April, 2025 along with the ADT-04 notice dated 16th June, 2025 calling upon the Petitioner to pay a sum of Rs. 84,67,96,589.25.

4. The brief background of the present case is that the Petitioner, which is engaged in the manufacture and servicing of special purpose machines and



installation, commissioning and AMC services. The Petitioner is also registered with the GST Department *vide* GST No. 07AAACH5158H2ZL.

5. A special audit was conducted by the GST Department, which resulted in the Audit Report dated 21st April, 2025 submitted to the Department by M/s Bhupinder Shah & Co. This Audit Report was communicated to the Petitioner *vide* letter dated 20th May, 2025 by which seven days time was given for filing of a reply. The said letter was sent by e-mail on 21st May, 2025 to the Petitioner. However, no reply was filed by the Petitioner resulting in the ADT-04 being issued, calling upon the Petitioner to discharge its statutory liability. Mr. Raichandani submits that such a special audit is not permissible as per Section 66 of Central Goods and Services Tax Act, 2017.

6. The Court has heard the matter. The Petitioner clearly missed the deadline in submitting the reply to the special Audit Report and to the letter dated 21st May, 2025.

7. Considering the fact that this is a special audit under Section 66 of the Central Goods and Service Tax Act, 2017 (hereinafter, '*CGST Act*'), Id. Counsel for the Petitioner prays that the Petitioner may be given an opportunity of being heard after filing of a reply in respect of the special Audit Report.

8. This would be in consonance with the scheme of Section 66 of the CGST Act. Though, the Petitioner has missed the deadline for filing the reply, considering the quantum of demand being raised, it is deemed appropriate to permit the Petitioner to withdraw the present petition with liberty to the Petitioner for filing of a reply and an opportunity of being heard.

9. The present petition is dismissed as withdrawn with liberty, as aforesaid.



10. Let the reply be filed to the Audit report, within 10 days from now. After the filing of reply, a hearing shall be granted and the GST Department shall proceed in accordance with law.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

JULY 3, 2025/kp/nd/ck