

**Delhi HC issues notice to Revenue; writ maintainable despite alternate remedy in refund dispute.**

**CA Prakash Chandra Jain**

P.O. Brajrajnagar

Odisha- 768216

Cell: 94375-41690 / 70087-12242

Email: prakashchjain@yahoo.co.in



**REFER THE DECISION OF THE HON'BLE DELHI HIGH COURT IN THE CASE OF**

**Hybon Technologies Pvt. Ltd. vs. Special Commissioner**  
*Citation: (2025) 34 Centax 279 (Del.)*

In this case, the petitioner, *Hybon Technologies Pvt. Ltd.*, approached the Delhi High Court challenging the rejection of its refund claim. The Revenue had disallowed Input Tax Credit (ITC) while processing the refund application, without following the proper adjudicatory process mandated under GST law. The petitioner contended that the officers, while examining refund claims, could not sit in judgment over the admissibility of ITC unless due process under Section 73/74 of the CGST Act was followed.

The High Court observed that the issue of whether the Revenue had the authority to examine the admissibility of ITC at the refund stage went to the root of the matter and struck at the very foundation of the impugned orders. Even though an alternative statutory remedy of appeal was available, the Court held that the writ petition merited consideration as principles of natural justice were violated.

Outcome:

**The Delhi High Court issued notice to the Revenue and decided to hear the writ petition, keeping the refund rejection in abeyance. The Court's intervention underscores that Revenue authorities cannot bypass due process while disallowing ITC and rejecting refunds, as such actions directly affect taxpayers' substantive rights.**