

Sulabh International Social Service Organization Vs UoI-HC

GST - The petitioner is a society registered under the Societies Registration Act, 1860 - In December 2018, the petitioner was served an SCN alleging wrong availment of exemption as per Notfn No 25/2012-ST in respect of certain services - It was also alleged that the petitioner also availed benefit under Notfn No 30/2012 while being ineligible for the same - Hence the present writ, challenging such notice as well as the visit of Revenue officers to the petitioner's premises - The petitioner also claimed that the saving clause in Section 174 of the Finance Act 2017 does not protect the Service Tax Rules and any action taken in pursuance of these Rules lacks authority of law.

Held - It must be seen as to whether or not any fresh proceeding under the Finance Act 1994 for scrutiny, inspection or audit, is prima facie valid where such proceedings commence after the omission of the Finance Act - Besides, the sub clause uses the phrase "...may be instituted, continued or enforced ..." - Of the three situations contemplated in the phrase, the expression which comes for interpretation is "...may be instituted..." - On whether such institution ought to have taken place before the omission of the statute and subsequent to introduction of the saving provision, there are two conflicting views taken by the High Courts - The expression "instituted" in sub-clause(e) would imply the proceeding which stood already instituted at the time of repeal or omission of the 1994 Act - Status quo be maintained till final orders are passed - Notice issued - Matter posted for May 07, 2019: HC (Para 1,3,4,8,9)

- Case deferred : JHARKHAND HIGH COURT