

**GST : A arrest under section 69 is not prohibited prior to completion of assessment**

- Division Bench of High Court held that issuing invoices or bills without supply of goods and availing of ITC by using such invoices or bills are offences under clauses (b) and (c) of sub-section (1) of section 132 of CGST Act, 2017 and, thus, prosecutions for these offences do not depend upon completion of assessment. Therefore, argument that there cannot be an arrest even before adjudication or assessment, is not proper - Division Bench further held that list of offences included in sub-section (1) of section 132 of CGST Act, 2017 have no co-relation to assessment. SLP against said order of Division Bench was dismissed by Supreme Court.

- Held, that when arrest is not prohibited prior to completion of assessment any coercive action lesser than arrest cannot also be said to be prohibited.



**[2019] 106 taxmann.com 167 (TELANGANA)**

**HIGH COURT OF TELANGANA**

**VS Ferrous Enterprises (P.) Ltd.**

**v.**

**Union of India**

**M.S. RAMACHANDRA RAO AND A. RAJASHEKER REDDY, JJ.**

**WRIT PETITION NOS. 10350, 10351 AND 10354 OF 2019**

**MAY 29, 2019**

**ORDER**