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

\# **CNR No. DLHC010972262025**

\+ W.P.(C) 18468/2025 and CM APPL. 76556/2025

ZUBAIR ENTERPRISES .....Petitioner

Through: Mr. Bharat Bhushan, Ms. Nidhi Gupta, Mr. Anunay Mishra, Advs.

versus

COMMISSIONER CGST AND CENTRAL EXCISE, DELHI EAST COMMISSIONERATE .....Respondent

Through: Mr. Akash Verma, SSC CBIC, with Ms Anchal Uppal, Adv.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MS. JUSTICE SHAIL JAIN

O R D E R

% **07.08.2026**

1. As per Section 83(2) of the C.G.S.T. Act, 2017, the maximum period for which the provisional attachment can continue to operate is one year. In the present case, the provisional attachment of bank accounts was ordered on 09.03.2021. A period of one year has already lapsed.

2. Learned counsel representing the respondent does not dispute the aforesaid position. Hence, directions are issued to the Bank to de-freeze the ***Bank Account Nos. 0459 0101 0000 0757 (Current)*** and ***0459 0401 0000 1217 (Saving)*** of the petitioner, maintained with the Greater Kailash Branch of Jammu & Kashmir Bank. In view of the same, the present Writ Petition stands disposed of.

3. It has been noticed that a significantly large number of Writ Petitions are being filed in the Court for seeking declaration that the provisional attachment has lapsed after a period of one year, and

correspondingly seeking the de-freezing of the bank accounts, so attached.

4. Sub-section (2) of Section 83 of the C.G.S.T. Act, 2017 unequivocally provides that an order of provisional attachment of bank account shall cease to have effect upon the expiry of one year from the date of its issuance. Consequently, the maximum period for which a provisional attachment can remain in force is one year. In order to ensure compliance with the statutory mandate and to obviate unnecessary hardship to assessees, the following directions are issued to all authorities exercising powers under Section 83:

(A) While passing an order of provisional attachment, the competent authority shall expressly record that the order shall remain operative for a maximum period of one year from the date of its issuance, whereafter it shall automatically cease to have effect unless a fresh order of provisional attachment is passed in accordance with law.

(B) All banks and other financial institutions shall, upon the expiry of the aforesaid period of one year, forthwith de-freeze the attached bank accounts, unless a fresh order of provisional attachment, validly issued under law, is served upon them.

(C) The Reserve Bank of India is directed to issue an appropriate circular to all scheduled banks and financial institutions apprising them of the mandate contained in Section 83(2) of the Act and the present directions, so as to ensure uniform compliance and prevent unnecessary harassment to assessees.

5. Let a copy of this Order be sent to the Secretary, Department of Revenuein the Ministry of Finance, Government of India and the Governor of Reserve Bank of India, for necessarycompliance.

6. The Respective Commissioners are also requested to circulate this Order to all concerned.

ANIL KSHETARPAL, J.

SHAIL JAIN, J.

AUGUST 7, 2026/PT/HP