

F.No. GST/INV/Arrest-caveat/18-19/Pt

Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes and Customs
GST Investigation Wing

Dated: 30th May, 2019

INSTRUCTION: 02/2019-20

Subject: Directions of Hon'ble Supreme Court in the matter of SLP Nos. 4322-4324/2019 - reg.

The Hon'ble Supreme Court vide its Order dated 29.05.2019 in regard to SLPs No. 4322-4324/2019 filed against the final judgment and order dated 11-04-2019 in CRLWP Nos. 1996/2019, 1997/2019 and 1998/2019, passed by the High Court of Judicature At Bombay, essentially challenging the **Power to Arrest** under Section 69 of the CGST Act, 2017 has, *inter alia* directed as under:

"As different High Courts of the country have taken divergent views in the matter, we are of the view that the position in law should be clarified by this Court. Hence, the notice.

As the accused-respondents have been granted the privilege of pre-arrest bail by the High Court by the impugned orders, at this stage, we are not inclined to interfere with the same. However, we make it clear that the High Courts while entertaining such request in future, will keep in mind that this Court by order dated 27.5.2019 passed in SLP(Crl.) No. 4430/2019 had dismissed the special leave petition filed against the judgment and order of the Telangana High Court in a similar matter, wherein the High Court of Telangana had taken a view contrary to what has been held by the High Court in the present case". (emphasis added)

3. In view of the above, field formations are directed that in all such matters where the provisions of Section 69 of the CGST Act, 2017 are challenged, the aforementioned directions of the Hon'ble Supreme Court may be brought to the notice of the Hon'ble High Court.

Yours faithfully,


(Neeraj Prasad)

Commissioner (GST-Inv.), CBIC

To: Pr. DG, DGGI / Pr. Chief Commissioner/Chief Commissioner of CGST, (All Zones)