

\$~49

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

+ **W.P.(C) 18890/2025**

SSP PRIVATE LIMITED

.....Petitioner

Through: Mr. H. C. Bhatia, Mr. Ruchir Bhatia,  
Advs.

versus

JOINT DIRECTOR DIRECTORATE GENERAL OF GOODS AND  
SERVICES TAX INTELLIGENCE DELHI ZONAL UNIT & ANR.

.....Respondents

Through: Mr. Tushar Sannu Mr. Abhinav Jha,  
Advs.  
Mr. Anurag Ojha, SSC.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE SHAIL JAIN**

**ORDER**

% **12.12.2025**

1. This hearing has been done through hybrid mode.

**CM APPL. 78666/2025 (for exemption)**

2. Allowed subject to all just exceptions. Accordingly, the application is disposed of.

**W.P.(C) 18890/2025 & CM APPL. 78665/2025 (for stay)**

3. The present petition has been filed by the Petitioner under Article 226 and 227 of the Constitution of India, *inter alia*, challenging the impugned Show Cause Notice dated 19th September, 2025 issued by Joint Director, Directorate General of GST Intelligence, Delhi Zonal Unit (*hereinafter*, 'impugned SCN').

4. The Petitioner in the present petition is a contractor engaged by the Delhi Jal Board for carrying out certain works. *Vide* the impugned SCN, the Petitioner has been called upon to pay the differential Goods and Services Tax (*hereinafter*, 'GST') of 6% on works contracts executed by the Petitioner for the Delhi Jal Board.

5. The question for consideration in the present petition is whether the works assigned by the Delhi Jal Board to private contractors would attract GST at the rate of 12% or 18%.

6. The Court is already considering similar matters being *W.P. (C) 16799/2025* titled *Tirupati Cement Products v. Joint Director Director at General Of Goods and Services Joint Director Tax Intelligence Delhi Zonal Unit & Anr.* and *W.P.(C) 17005/2025* titled *Delhi Jal Board Contractors Welfare Association, Regd. v. State of NCT of Delhi & Ors.*

7. In *Tirupati Cement Products (supra)* this Court has on 6<sup>th</sup> November, 2025 already passed an interim order in the following terms:

*“14. The question raised as to whether DJB is a local authority is a legal issue which would have to be determined, so as to avoid protracted proceedings. Accordingly, the same deserves consideration in a writ petition. Accordingly, in the meantime, proceedings in the impugned SCN are hereby stayed.”*

8. The interim order passed in *Tirupati Cement Products (supra)* would apply to the Petitioner as well.

9. Issue Notice. Mr. Anurag Ojha, Id. SSC, is requested to accept notice on behalf of the GST Department. Mr Tushar Sannu, Id. Counsel is requested to accept notice on behalf of Delhi Jal Board.

10. Ld. SSC for the GST Department has taken the position that the Delhi

Jal Board is not a local authority, and hence the contractor is not entitled to the benefit of Delhi Jal Board being a local authority, in terms of Section 2(69) of the Central Goods and Services Tax Act, 2017.

11. Further, Id. Counsel for the Petitioner submits that the issue concerned in the present petition would affect many contractors who have been issued notices by the GST Department.

12. Additionally, Id. Counsel for the Petitioner submits that applying the 12% rate, the GST has already been deposited by the Petitioner.

13. Mr. Tushar Sannu, Id. Counsel on behalf of Delhi Jal Board, submits that the stand of Delhi Jal Board is also that it is a local authority.

14. Let counter affidavits be filed by the Respondents.

15. List on 03<sup>rd</sup> February, 2026.

16. The question raised as to whether DJB is a local authority is a legal issue which would have to be determined, so as to avoid protracted proceedings. Accordingly, the same deserves consideration.

17. In the meantime, proceedings in the impugned SCN are hereby stayed.

**PRATHIBA M. SINGH, J.**

**SHAIL JAIN, J.**

**DECEMBER 12, 2025***/tg/sm*