

GIB/MH/BYTEDANCE (INDIA)/06.04.2021/HC-231

High Court Category : PROVISIONAL ATTACHMENT OF BANK ACCOUNTS

State : Maharashtra

Order No.: GIB/MH/BYTEDANCE (INDIA)/06.04.2021/HC-231

Name of Entry :

BYTEDANCE (INDIA) TECHNOLOGY PVT. LTD

Date : 06-04-2021

Breif Issue :

FACTS AND ISSUE OF THE CASE:

In this case the petitioner has a staff of about 800-1000 employees. They have to be maintained, their salaries are required to be paid. The Petitioner has remedy under Rule 159(5) to object to the orders. He submits that the D.G.G.I. had initiated inquiry to verify the correctness of payments of goods and services taxes by the petitioner. It transpires that the petitioner has received taxable services from a concern located outside India without any consideration as per schedule I of C.G.S.T Act, 2017 and as such the petitioner would be liable to pay tax on import of services.

He submits that a huge revenue to the tune of Rs. 78.91 crores is at stake in the matter which the petitioner does not intend to bear. He submits that looking at the scenario, it would not be feasible to recover dues from tax payer, as the petitioner is in the process of closing its business.

Learned senior counsel appearing for the petitioner submits that petitioner would secure revenue's concern of Rs. 78.91 crores by depositing additional amount in attached/frozen bank accounts and the bank accounts to remain attached/frozen to the extent of Rs. 78.91 crores and petitioner may be allowed to operate the bank accounts over and above the amount of Rs. 78.91 crores over the concerns expressed by the petitioner.

Decision of Advance Ruling Authority :

DECISION:

The counsel for the banks notes the aforesaid position and having regard to the statements made by the counsel appearing for the Petitioner and the Revenue states that if that be so, the petitioner may be able to operate the bank account, for the amounts over and above the amount of revenue of ? 78.91 crores - At this stage, learned senior counsel for the petitioner submits that fixed deposit of the amount of ? 78.91 crores may be considered. It may be in

the interest of all to have the same in a nationalized bank. The petitioner is at liberty to approach the respondent No. 2 for the same.

Petition disposed off.