

## **Judgement on GST Refund against export – Rejection made on the presumption that supplier issued fake invoices**

**Citation - 2023-VIL-181-DEL**

**M/s BALAJI EXIM Vs COMMISSIONER, CGST AND ORS.**

**Date of Order – 10-03-2023**

**HIGH COURT OF DELHI**

**HELD-**

That the petitioner's refund applications were rejected on a mere apprehension that its supplier had issued fake invoices. There is no conclusive finding on the basis of any cogent material that the invoices issued by supplier to the petitioner are fake invoices – when there is no dispute that goods have been exported, the invoices in respect of which the petitioner claims the ITC were raised by a registered dealer and there is no allegation that the petitioner has not paid the invoices, including taxes, then the applications for refund cannot be denied –

Petitioner-purchaser is not required to examine the affairs of its supplying dealers. The allegations of any fake credit availed by supplier cannot be a ground for rejecting the petitioner's refund applications unless it is established that the petitioner has not received the goods or paid for them - petitioner would be entitled to the refund of the ITC on goods that have been exported by it – the writ petition is allowed.