2026:DHC:7976-DB

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

% ***Judgment reserved on: 03.09.2026***

Judgment pronounced on: 18.09.2026

Judgment uploaded on: 18.09.2026

\# **CNR No. DLHC010508692025**

\+ W.P.(C) 11021/2025, CM APPL. 45387/2025, CM APPL. 56648/2025, CM APPL. 68661/2025, CM APPL. 79226/2025 and CM APPL. 58787/2026

PUNEET BATRA .....Petitioner

Through: Mr. N. Hariharan, Mr. Avi Singh, Mr. Mohit Mathur, Sr. Advs., Mr. Vinit Bhatia, Mr. Animesh Gaba, Mr. Shikhar Garg, Mr. Yash Kadyan, Mr. Harsh Vardhan, Ms. Punya Rekha Angara, Mr. Amartya, Mr. Aman Akhtar, Ms. Vasundhara Raj Tyagi, Mr. Arjan Singh Mandla, Mr. Apoorv Kumar, Mr. Krishna Shukla, Mr. Vignesh and Ms. Bhavya Chhikara, Advs. with Petitioner in-person.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Mr. Tushar Mehta, SG, Mr. S. V. Raju, ASG and Mr. Akash Panwar, JSC along with Mr. P. C. Aggarwal, Mr. Digvijay Dam, Mr. Aman Mehta, Mr. Madhav Goel, Mr. Annam Venkatesh, Ms. Aditi Andley, Mr. Aryansh Shukla, Ms. Agrimaa Singh and Mr. Abhimanyu Kapoor, Advs.

Mr. T. Singhdev, Sr. Adv. along with Mr. Abhijit Chakravarty, Mr. Tanishq Srivastava, Ms. Anum Hussain,

Mr. Bhanu Gulati, Mr. Sourabh Kumar and Ms. Yamini Singh, Advs.
Mr. Anurag Ojha, SSC along with Mr. Dipak Raj, Mr. Aryaman Singh Chouhan and Mr. Aditya Chaudhary, Advs.
Mr. Varun Mishra, SPC along with Ms. Shreeya Sud and Mr. Ashar Hussain, Advs.

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

J U D G M E N T

ANIL KSHETARPAL, J.:

1. Through the present Writ Petition, the Petitioner, who claims to be an Advocate, challenges the search conducted by the Respondents on 25.07.2025 at the premises of M/s Bass Legal LLP [hereinafter referred to as 'Bass Legal'], including the cabin being used by the Petitioner, and the consequential seizure of his CPU and other documents. The Petitioner also challenges the *panchnama* drawn on 25.07.2025 and the summons issued to him on the same date.

2. The principal grievance of the Petitioner is that the search of his cabin and seizure of his CPU was unauthorized and contrary to the protection available to communications between an Advocate and his client. It is further contended that the Respondents could not have accessed or seized the electronic data available on the Petitioner's computer, particularly when the same was likely to contain privileged and confidential information pertaining not only to M/s Matkarma Technology Pvt. Ltd. [hereinafter referred to as 'MTPL'] but also to

other clients of the Petitioner.

3. The Respondents, on the other hand, contend that the search was duly authorized on sufficient reason to believe and that the material gathered during investigation *prima facie* indicates that the Petitioner was not merely acting as an Advocate for MTPL but was himself involved in the affairs and operations of MTPL. It is their case that the protection of advocate-client privilege cannot be invoked so as to prevent investigation into the personal involvement of an Advocate in the activities under investigation.

4. The question which, therefore, arises for consideration is whether the search conducted on 25.07.2025 at the premises of Bass Legal, including the cabin used by the Petitioner, and the consequent seizure of the CPU and other material, can be held to be unauthorized or illegal on the ground that the Petitioner is an Advocate and the material seized may contain communications protected by advocate-client privilege.

5. The further questions which arise for consideration are:

i. whether the production of certain material before this Court in a sealed cover is impermissible;

ii. whether the absence of a Show Cause Notice ('SCN') against MTPL affects the legality of the search or the summons issued to the Petitioner;

iii. whether the Respondents have changed their stand during the course of investigation;

iv. whether the alleged non-compliance with the departmental instructions and Master Circular on SCN, Adjudication and Recovery dated 10.03.2017 [hereinafter referred to as 'Master Circular'] vitiates the search; and

v. whether the authorization for search was issued after recording the requisite reasons to believe.

6. Before proceeding to examine the aforesaid issues, it would be appropriate to notice the factual background and the rival submissions of the parties.

FACTUAL MATRIX:

7. Bass Legal is stated to have been constituted by the Petitioner's father. The Petitioner was initially a partner in Bass Legal and, according to him, primarily handles and overseas matters relating to taxation, both direct and indirect, on behalf of the said firm. The office of Bass Legal is situated at 2nd Floor, Unit No. DGL-224, DLF Galleria Mall, Mayur Vihar, Phase-1 Road, New Delhi.

8. MTPL is stated to have engaged the Petitioner for professional services in the field of taxation and corporate compliances from June 2023 onwards. According to the Petitioner, he rendered professional services to MTPL in relation to Goods and Services Tax, filings before the Registrar of Companies, Income Tax returns, Tax Deducted at Source returns, Intellectual Property Rights, Trademark registration, Cyber-crime matters and other legal compliances.

9. According to the Petitioner, from October 2023 onwards, MTPL independently took over its statutory and financial compliances and obtained possession of the relevant data, documents and records maintained by the Petitioner during the period of his engagement. The Petitioner states that thereafter he was not involved in the routine statutory or financial compliance work of MTPL and was extending legal assistance to the company, as and when required, particularly in relation to cyber-crime cases.

10. On 04.09.2024 and 05.09.2024, the Respondent Department conducted a search at the registered premises of MTPL. The Petitioner was one of the authorised representatives of MTPL during the said search. According to the Petitioner, since MTPL and its officials thereafter became non-responsive, he, along with his legal team, withdrew the *vakalatnama* submitted before the Respondent Department by an email dated 06.09.2024.

11. Thereafter, the Petitioner was issued summons by the Respondent Department. The first summons was dated 22.09.2024, requiring his appearance on 23.09.2024. The Petitioner submitted a Reply to the said summons. A second summons dated 01.10.2024 required his appearance on 03.10.2024. On the said date, the Petitioner submitted a written representation and also furnished his statement. The Petitioner claims that, in the said representation, he clarified that his role in relation to MTPL was that of a legal counsel/consultant and also invoked professional privilege.

12. The Petitioner was thereafter issued another summons dated 10.06.2025 requiring his appearance on 12.06.2025. According to the

Petitioner, he was travelling at the relevant time and, consequently, could not appear on the date mentioned in the summons. Another summons dated 19.06.2025 was received by the Petitioner on 26.06.2025, after the date fixed for his appearance. The Petitioner nevertheless appeared before the Superintendent, Anti-Evasion Branch, CGST Delhi East, on 27.06.2025 and furnished his statement.

13. The dispute in the present Writ Petition principally arises out of the search conducted on 25.07.2025 at the premises of Bass Legal. The said search was conducted pursuant to an authorization dated 24.07.2025 issued by the Additional Commissioner, Anti-Evasion, CGST Delhi East Commissionerate, under Section 67(2) of the Central Goods and Services Tax Act, 2017 [hereinafter referred to as 'CGST Act'].

14. The premises of Bass Legal comprise approximately 900 sq. ft. and consist of a common area for staff and two cabins. One of the cabins is stated to be that of the Petitioner's father and the other is used by the Petitioner. During the search, documents relating to MTPL were found at the premises and were seized by the Respondent Department. The CPU installed in the cabin used by the Petitioner was also seized.

15. The Petitioner was not present at the premises when the search was conducted. It is his case that the officers of the Respondent Department entered his cabin, accessed his computer and compelled his father to obtain and disclose the password to the computer. The Petitioner contends that the computer contained confidential and privileged material relating to MTPL as well as his other clients.

16. The *panchnama* dated 25.07.2025 records the search proceedings, the documents resumed and the CPU seized from the cabin of the Petitioner. It also records that a summons was issued to the Petitioner requiring him to appear before the Respondent Department on 28.07.2025.

17. Since the search and seizure were challenged before this Court, the matter was taken up on 28.07.2025. At that stage, the Court, *inter alia*, noted the issue concerning advocate-client privilege and directed the Respondent Department to place its stand on record. The Court also directed that the CPU should not be opened or its contents downloaded without the presence of the Petitioner or his authorised representative.

18. The order dated 28.07.2025 is reproduced below:

> *"1. This hearing has been done through hybrid mode.*
>
> ***CM APPL. 45388/2025 (for exemption)***
>
> *2. Allowed, subject to all just exceptions. Application is disposed of.*
>
> ***W.P.(C) 11021/2025 & CMAPPL. 45387/2025***
>
> *3. This matter has been listed before the Court in the typed supplementary list upon special mentioning today.*
>
> *4. The present petition has been filed, inter alia, challenging the search at the office of the Petitioner conducted by the GST Department on 25th July, 2025, and the consequent seizure of the Central Processing Unit (hereinafter "the CPU") and other documents for being illegal.*
>
> *5. The Petitioner Mr. Puneet Batra is an advocate who is stated to be a member of the Delhi High Court Bar Association as also the Sales Tax Bar Association and the New Delhi Bar Association (Patiala House District Court). As per the petition, he is a regular practitioner in diverse fields of law including direct and indirect taxation, school fee regulation matters, Cyber Law and other criminal matters.*
>
> *6. The firm M/s. Bass Legal LLP (hereinafter "the firm") is a tax consulting firm run by the Petitioner's parents, and the Petitioner is an Advocate who handles all the taxation matters on behalf of the*

firm.

7. According to the Petitioner, one M/s. Martkarma Technology Pvt. Ltd. (hereinafter "the client") which is a gaming company had engaged the Petitioner for rendering various professional and legal services, including GST filings before Registrar of Companies, Income Tax returns, Intellectual Property Rights registration work, cyber crime, etc. It is stated that the said services are being provided by the Petitioner to the client since 2023.

8. According to the Petitioner, a search was conducted at the client's registered premises on 4th and 5th September, 2024 by the GST Department. It is stated that the Petitioner was handling more than 100 cases, on behalf of the client including in respect of the said search. Further, it is stated that since the Petitioner could not contact the client despite repeated efforts the Petitioner and his legal team had withdrawn their Vakalatnama/Power of Attorney via email dated 6th September, 2024 to the GST Department.

9. Thereafter, on 22nd September, 2024, the Petitioner received a summons for appearance before the Anti-Evasion Branch, CGST Delhi East on 23rd September, 2024. According to the Petitioner, he filed a reply stating that he is merely the lawyer for the client and the same was taken on record by the GST Department. A second summon was received on 1st October, 2024 directing appearance on 3rd October, 2024. The Petitioner could not appear on the said date, however, a written representation was filed by him which was also taken on record. On 10th June, 2025 a third summon received directing appearance on 12th June, 2025, however, the Petitioner could not appear on the said date as he was travelling. Finally, on 26th June, 2025 he was again served with another summon dated 19th June, 2025 and on 27th June, 2025 he appeared before the Anti-Evasion Branch, CGST Delhi East, and gave his statement.

10. The grievance of the Petitioner presently is that on 25th July, 2025 the Anti-Evasion Branch, CGST Delhi East, conducted a search at the office of the firm and the Petitioner's office situated at Second Floor, Unit No. DGL 224, DLF Galleria Mall, Mayur Vihar, Phase-1 Extension, New Delhi 110091. During the said search various documents relating to the client have been resumed by the GST Department. In addition, the Partnership Deed related to the firm and other documents, have also been resumed by the GST Department. The GST Department has also seized electronic gadgets being a complete CPU having 1250 GB. The documents resumed and the electronic gadgets seized have been recorded vide a punchnama dated 25th July, 2025.

11. Pursuant to the said search and seizure, a summon has also been issued to the Petitioner on 25th July, 2025 to appear before the GST Department today at 12:30 p.m. Accordingly, the present writ petition *has been mentioned in the morning today and was taken up post lunch.*

12. The submission of ld. Sr. Counsels for the Petitioner is that the Petitioner has merely represented his client and the GST Department is not empowered to resume any documents and seize the Petitioner's CPU which could have various other privileged material.

13. Mr. Singla, ld. SSC appearing for the GST Department, on the other hand, submits that he has received instructions and that he would file a short affidavit in this matter.

14. Considering the facts of the case, this Court would like to be, first satisfied as to in what manner a search and seizure was conducted at the office of an Advocate, inasmuch as any documents that may have been given by the client to his lawyer are purely confidential in nature and are protected by advocate-client privilege.

15. The Advocate cannot be subjected to harassment in this manner unless and until there is some material for the GST Department to show that the advocate himself is not merely representing his client but is also personally involved in the alleged illegality. For the said purpose, some prima facie material would have to be shown by the GST Department.

16. Accordingly, let the GST Department file an affidavit placing its stand by the next date of hearing.

17. In the meantime, the Petitioner need not appear before the GST Department pursuant to the impugned summons and the date for his appearance shall be postponed beyond the next date of hearing.

18. Insofar as the CPU is concerned, since it could be consisting of belonging to other clients of the Petitioner, the same shall not be opened in any manner and the contents of the said CPU shall not be downloaded by the GST Department without the presence of the Petitioner or any of his Authorised Representative.

19. List on 4th August, 2025.

20. Dasti."

19. Thereafter, on 09.09.2025, the Court considered the stand of the Respondent Department regarding the alleged role of the Petitioner in the affairs of MTPL. The Court also considered the issue concerning examination of the CPU and the protection of data pertaining to third-party clients of the Petitioner. Various safeguards were consequently prescribed in respect of the examination, cloning and identification of

data contained in the CPU. The order dated 09.09.2025 is reproduced below:

*"**<u>Order dated 09.09.2025:</u>***

1. This hearing has been done through hybrid mode.

2. The present petition has been filed, inter alia, challenging the search at the office of the Petitioner conducted by the GST Department on 25th July, 2025, and the consequent seizure of the Central Processing Unit (hereinafter "the CPU") and other documents as being illegal.

3. The Petitioner Mr. Puneet Batra is an advocate who is stated to be a member of the Delhi High Court Bar Association as also the Sales Tax Bar Association and the New Delhi Bar Association (Patiala House District Court). As per the petition, he is a regular practitioner in diverse fields of law including direct and indirect taxation, school fee regulation matters, cyber law, and other criminal matters.

4. The firm M/s. Bass Legal LLP (hereinafter "the firm") is a tax consulting firm run by the Petitioner's parents, and it is stated that the Petitioner is an Advocate who handles all the taxation matters on behalf of the firm.

5. According to the Petitioner, one M/s. Martkarma Technology Pvt. Ltd. (hereinafter "the client") which is a gaming company had engaged the Petitioner for rendering various professional and legal services, including GST filings before Registrar of Companies, Income Tax returns, Intellectual Property Rights registration work, cyber-crime cases, etc. It is stated that the said services are being provided by the Petitioner to the client since 2023.

6. According to the Petitioner, a search was conducted at the client's registered premises on 4th and 5th September, 2024 by the GST Department. It is stated that the Petitioner was handling more than 100 cases, on behalf of the client including in respect of the said search. Further, it is stated that since the Petitioner could not contact the client despite repeated efforts the Petitioner and his legal team had withdrawn their Vakalatnama/Power of Attorney vide email dated 6th September, 2024 to the GST Department.

7. Thereafter, on 22nd September, 2024, the Petitioner received the summons for appearance before the Anti-Evasion Branch, CGST Delhi East on 23rd September, 2024. According to the Petitioner, he filed a reply stating that he is merely the lawyer for the client and the same was taken on record by the GST Department. A second summon was received on 1st October, 2024 directing appearance on 3rd October, 2024. The Petitioner could not appear on the said date, however, a written representation was filed by him which was also *taken on record. On 10th June, 2025 a third summon was received, directing appearance on 12th June, 2025, however, the Petitioner could not appear on the said date as he was travelling. Finally, on 26th June, 2025 he was again served with another summon dated 19th June, 2025 and on 27th June, 2025 he appeared before the Anti-Evasion Branch, CGST Delhi East, and gave his statement.*

8. The grievance of the Petitioner presently is that on 25th July, 2025 the Anti-Evasion Branch, CGST Delhi East, conducted a search at the office of the firm and the Petitioner's office situated at Second Floor, Unit No. DGL 224, DLF Galleria Mall, Mayur Vihar, Phase-1 Extension, New Delhi 110091. During the said search various documents relating to the client have been resumed by the GST Department. In addition, the Partnership Deed related to the parents' firm and other documents, have also been resumed by the GST Department. The GST Department has also seized electronic gadgets being a complete CPU having 1250 GB. The documents resumed and the electronic gadgets seized have been recorded vide a panchnama dated 25th July, 2025.

9. Pursuant to the said search and seizure, a summon has also been issued to the Petitioner on 25th July, 2025 to appear before the GST Department on 28th July 2025, at 12:30 p.m.

10. The present writ petition was filed on an urgent basis at that stage. On 28th July 2025, the Court had heard the ld. Sr. Counsels for the Petitioner, as also Mr. Aditya Singla, Id. SSC appearing on behalf of the GST Department and directed as under:

> *"14. Considering the facts of the case, this Court would like to be, first satisfied as to in what manner a search and seizure was conducted at the office of an Advocate, inasmuch as any documents that may have been given by the client to his lawyer are purely confidential in nature and are protected by advocate-client privilege.*
>
> *15. The Advocate cannot be subjected to harassment in this manner unless and until there is some material for the GST Department to show that the advocate himself is not merely representing his client but is also personally involved in the alleged illegality. For the said purpose, some prima facie material would have to be shown by the GST Department.*
>
> *16. Accordingly, let the GST Department file an affidavit placing its stand by the next date of hearing.*
>
> *17. In the meantime, the Petitioner need not appear before the GST Department pursuant to the impugned summons and the date for his appearance shall be postponed beyond the next date of hearing.*
>
> *18. Insofar as the CPU is concerned, since it could be consisting of belonging to other clients of the Petitioner, the same shall not be opened in any manner and the contents of the said CPU shall not be downloaded by the GST Department without the presence of the Petitioner or any of his Authorised Representative"*

11. On the next date of hearing i.e., 4th August 2025, the GST

Department had sought to place on record an affidavit to explain the role of the Petitioner. The stand of the GST Department was that, the Petitioner though being an advocate, was not merely representing the client as an advocate, but was in fact involved in running of the business and affairs of the client itself.

12. On the said date, i.e., 4th August 2025, the following directions were issued:

> *"3. Today, on behalf of the GST Department, Mr. Aditya Singla, ld. SSC seeks to place on record an affidavit in terms of the last order. His submission on behalf of the GST Department is that there is evidence, at this stage, to suspect that the Petitioner, an advocate, is not representing the client M/s. Martkarma Technology Pvt. Ltd. merely as its counsel, but is also running the affairs of the said client.*
>
> *4. <u>The Court has heard the parties. Let any material in order to substantiate the allegations raised by the GST Department be produced in a sealed cover in the Court on the next date of hearing</u>.*
>
> *5. <u>If any remand application has been filed by the GST Department in respect of the three arrests which are stated to have been made in respect of the subject proceedings, let a copy of the said applications be also placed on record on the next date</u>.*
>
> *6. List on 25th August, 2025.*
>
> *7. Interim directions already granted on 28th July, 2025 shall continue till the next date of hearing."*

13. Thereafter, on 1st September 2025, a short note was handed over by Mr. Singla. The said note sets out the alleged role of the Petitioner in the conduct of the business of the client i.e. M/s Martkarma Technology Pvt. Ltd. The said client was running an online gaming company under the domain name '11winner.com. Various statements recorded by the GST Department during the investigation were also filed along with the said note. The same were retained in a sealed cover. The remand applications were also produced before the Court and Mr. Singla was directed to place the same on record.

14. Today, submissions on behalf of the Petitioner have been made by Mr. N. Hariharan, Mr. Kirti Uppal and Mr. Avi Singh, 1d. Sr. Counsels.

15. Ld. Sr. Counsels for the Petitioner placed reliance on a judgment of the Supreme Court in ***Civil Appeal No. 8129 of 2022*** *titled* ***Madhyamam Broadcasting Limited vs Union of India*** *to argue that, the manner in which a sealed cover is sought to be produced and relied upon, without giving copies to the Petitioner, would be contrary to law. It is submitted that, the Petitioner ought to be made aware of all the material which is being relied upon by the GST Department, to be able to rebut the same, and the Court cannot be permitted to merely see the sealed cover and make a judgment on the Petitioner.*

16. At this stage, one of the suggested courses of action by the 1d. Sr.

*counsels for the Petitioner, is that a summary of the contents of the documents, can be provided in a redacted form, so that the same can be placed before the Court and be given to the Petitioner as well, and thereafter submissions can also be heard in this regard. It is further submitted that in terms of Section 67 of the Central Goods and Services Act (hereinafter 'CGST Act, 2017'), there must be **reasons to believe** for the GST Department to investigate the Petitioner, who is an advocate.*

17. Mr. Jyothiraditya, Additional Commissioner, CGST, who is present in Court today, informs the Court that the CPU of the Petitioner is lying in sealed condition in the office of the GST Department, at the office of the Commissioner of CGST & CX, Delhi North, C.R. Building, I.P. Estate, New Delhi 110002.

18. On behalf of the GST Department, Mr.Singla has placed before the Court, the original file which contains the reasons for the GST Department to investigate the Petitioner. It is Mr. Singla's submission that revealing all the statements made by other persons under investigation could completely jeopardise the investigation. Such persons have clearly set out the active role played by the Petitioner, in running the affairs of the client.

19. Heard. At this stage, the Court refrains from making any observations in respect of the role of the Petitioner, or whether he was active in running the business of the client or not. The only direction that the Court is inclined to pass at this stage, without going into the merits of this matter, is to permit the CPU to be analysed by the GST Department, subject, however, to various precautions and conditions. The said precautions and conditions are important and significant, inasmuch as the GST Department ought not to be given access to the data related to any third-party clients of the Petitioner. It is further noted that the CPU was seized during the raid which was conducted on the firm, in which the Petitioner's parents are partners.

20. A perusal of the panchnama reveals the manner and details in which the CPU has been seized. The same is extracted below:

> *"**Panchnama dated 25.07.2025 drawn on the spot at the registered premises of M/s Bass Legal LLP, i.e. Second Floor, Unit No. DGL224, DLF Galleria, Mayur Vihar Phase 1 Road, New Delhi-110091.***

S. No.	***Name***	***Father's Name***	***Address***	***Age***
Pancha 1	*Jatin Kumar*	*Sh. Prem Dass*	*H-410, B- block, Gali No.-10, shakurpur, Delhi-110034*	*30*
Pancha 2	*Sandeep Kumar*	*Sh. Chandrakant*	*E-252, Khajuri Khas, Gali No.15, Delhi-110094*	*37*

> *Today i.e. on 25.07.2025, we the above named panchas, on having been called upon by the officer Sh. Piyush Soni, Inspector, Anti Evasion, Central GST Delhi East Commissionerate, C.R. Building, IP Estate, Delhi*

Signature Not Verified
Signed By:JAI NARAYAN
Signing Date:18.09.2026
14:59:10

110002 (herein after referred to as the officer) presented ourselves near DLF Galleria Mall, Mayur Vihar Extention, New Delhi-110091 to witness the search proceedings to be carried out at principal place of business of M/s Bass Legal LLP, Second Floor, Unit No.DGL224, DLF Galleria, Mayur Vihar Phase 1 Road, New Delhi-110091. The officers introduced themselves by showing us their identity cards and informed us that a premises is required to be searched under Section 67(2) of Central Goods & Services Tax, Act, 2017 and the officers intend to search the said premises for which they are duly authorised by the Additional Commissioner, Anti Evasion, Central Tax, GST-Delhi East Commissionerate. The officers requested us to witness the search proceedings being undertaken by them to which we have voluntarily agreed. The officers showed us the Search Authorization having CBIC-DIN No.20250751ZK000061666A dated 24.07.2025 valid for 03 days, issued by the Additional Commissioner, Anti Evasion, CGST Delhi East Commissionerate.

We the panchas along with officers reached outside the DLF Galleria Mall at around 01:00 PM and thereafter, the officer teared open a sealed Sandisk branded Micro SD Memory Card of 64 GB bearing no.5185XC0212KG and inserted the same memory card in the Samsung Galaxy M14 cell phone carried by the officer and started the videography at approx. 01:12 PM.

On reaching the premises, it was found that a display board in the name of M/s Bass Legal LLP was present at the entrance. Thereafter, the officers headed inside the premises and asked about M/s Bass Legal LLP, one person who introduced himself as Shri Mahesh Kumar Batra told us that he is one of the two partners of M/s Bass Legal L.LP. The officer, in front of us the Panchas, told him about the purpose of the visit and showed them their identity cards and the search authorisation having CBIC-DIN vide no.202507512K000061666A dated 25.07.2025 valid for 03 days, issued by the Additional Commissioner, Anti Evasion, CGST Delhi East Commissionerate. Thereafter, Shri Mahesh Kumar Batra put his dated signatures on the said Search Authorization in token of having seen and understood the lawful issuance of the same and submitted the signed copy of his identity (Adhaar card). Then the officers presented themselves for their personal search which was politely declined by Shri Mahesh Kumar Batra. Then the officers took the round of the premises.

The said commercial premises was situated at Second Floor, Unit No DGL 224, DLF Galleria, Mayur Vihar Phase 1 Road, New Delhi-110091 and consisted of approx. 900 sq. ft. area owned by M/s Bass Legal LLP. The premises consistsof a hall for staff and two cabin: one having nameplates in name of Sh. Puneet Batra Advocate & Sh. Mohit Bhandari, Advocate and other for Sh. Mahesh Kumar Batra, Tax Consultant.

The officers, in front of us, the Panchas, asked Sh. Mahesh Kumar Batra about all the Partners of the Company, on which Sh. Mahesh said that he and his wife Smt. Poonam Batra are the current partners of the company. Further, on being asked about Sh. Puneet Batra, Sh. Mahesh Kumar Batra stated that Sh. Puneet Batra is his son and Ex-partner of M/s Bass Legal LLP till 07.09.2019. Further, Sh. Mahesh Kumar Batra submitted the Partnership deed dated 06.09.2019 as evidence of the same. Thereafter, on being asked about the whereabouts of Sh. Puneet Batra, Sh. Mahesh Kumar Batra said that Sh. Puneet Batra is advocate by profession and he looks after taxation matters in the said firm.

CPU black color (Fingers brand) RAM-8GB, Internal storage-1250GB, without Serial NumberThereafter, the officers started search proceedings at *the premises. During the search proceedings, some documents related to M/s Martkarma Technology Private Limited (GSTIN:- 07AAQCM1321F120) were found at the premises of M/s Bass Legal LLP, which were resumed by the officers for investigation purpose. Details of the resumed documents seen and signed by Sh. Mahesh Kumar Batra are as detailed below:-*

Sr No.	***Description of Documents/Items***	***Total Pages/Items***
1	*LLP Agreement Dated 29.06.2017 of M/s Bass Legal LLP between Sh. Puneet Batra and Sh. Mahesh Kumar Batra*	*01 to 13*
2	*Supplymentary agreement dated 06.09.2019 on admission cum retirement as supplement to the original LLP Agreement*	*01 to 03*
3	*Loose documents related to M/s Martkarma Technology Private Limited (GSTIN:- 07AAQCM1321F1Z0)*	*01 to 12*

Thereafter, summons with proper CBIC DIN was issued to Sh. Puneet Batra to tender statement on 28.07.2025 which was received by hand by Sh. Mahesh Kumar Batra, Partner of M/s Bass Legal LLP.

Further, the officers seized CPU of the personal computer installed in the cabin of Advocate Sh. Puneet Batra under GST INS-02. The details of which are listed below:-

A) Details of Electronic Gadgets seized:

S. No.	***Description of Items***	***Total Items***
1.	*CPU black color (Fingers brand) RAM-8GB, Internal storage-1250GB, without Serial Number*	*01 (One) unit*

The search proceedings were started at 01:12 PM on 25.07.2025 and concluded at around 09:00 PM on the same day in a peaceful manner. No damage was caused to any person or property and no religious sentiments were harmed. The hash value of video recording (Detailed in Annexure-A) was generated by the officers with the FTK imager software, installed in the laptop carried by the officers and the memory card was sealed by the officers in front of us, the panchas. The panchnama was typed by the visiting officers on the laptop carried by the officers and the print out of the same was taken from the printer carried by the officers. The content of the panchnama have been read over to us, the panchas and Shri Mahesh Kumar Batra in vernacular and we all were satisfied with the manner in which the proceedings were conducted and agreed to the contents of the Panchnama. We, the Panchas and Shri Mahesh Kumar Batra appended dated signature on the Panchnama in token of having seen, read and understood the same and agreed with the contents and correctness of the Panchnama. Before leaving the premises, the officers again offered their personal search, which was politely declined by Shri Mahesh Kumar Batra.

Drawn by me as dictated by the Panchas"

21. The panchnama extracted above would show that the CPU of the Petitioner was seized in the presence of, Sh. Mahesh Kumar Batra, Petitioner's father, but in the absence of the Petitioner. A perusal of the photographs on record further reveals that the password to the Petitioner's computer appears to have been obtained by the officials of the GST Department. The said photographs show that the GST *officials have opened and accessed the computer of the Petitioner.*

22. Needless to add, GST officials ought not to be permitted to open the CPU or computer of any advocate without his presence and consent, inasmuch as the same could lead to serious breach of confidentiality and advocate-client privilege. The GST Department is cautioned that, unless there are exceptional circumstances and subject to further orders that may be passed by the Court, if any advocate's office is to be searched or computer is to be opened, the same ought to take place in the presence of the advocate and not otherwise.

23. At this point in time, the Court is, however, inclined to permit the CPU of the Petitioner to be examined subject to the following conditions:

(I) Persons in whose presence the CPU shall be examined:

(1) The CPU shall be permitted to be examined by the GST officials in the presence of the Petitioner and two lawyers or one lawyer and a forensic expert on his behalf.

(2) Two senior officials of the IT Department, Delhi High Court i.e., ***Mr. Sarsij Kumar, Director (IT Branch) (Mob. No. 9650006723) and Mr. Zameem Ahmad Khan, Joint Director (IT Branch) (Mob. No.9650006732)****, shall also be present at the time when the CPU is accessed.*

(3) One forensic expert on behalf of the GST Department shall also be permitted to be present at the time when the CPU is accessed.

(II) Data that is to be determined:

(1) In the presence of the above persons, the CPU shall be connected to a monitor, a keyboard, and a mouse. Upon accessing the same, the following shall be determined:

(i) When was the last date when the data was accessed by any person.

(ii) What was the nature of the files accessed on 25th July 2025, when the GST officials had inspected the said CPU.

(iii) Whether any files have been deleted, copied, or removed from the said CPU at any point in time and if so, details of the same along with the dates and time.

(2) The entire hard drive of the CPU shall be cloned, and a cloned copy shall be given to the Petitioner.

(III) Identified Data to be copied on a hard disk:

(1) After the above procedure is undertaken, with the assistance of the Petitioner, all the files related to the client i.e. M/s Martkarma Technology Pvt. Ltd. and any entities/individuals who may be related to the said client shall be identified. The files so identified shall be

copied on a hard disk and supplied to the GST Department for further investigation.

(IV) Steps to be followed post determination of data:

(1) After the above procedure is undertaken, the CPU itself shall be sealed and shall remain in the custody of the GST Department, subject to the condition that the same shall not be accessed or opened without further orders of this Court.

24. Any data which is received by the GST Department, which is retrieved from the CPU of the Petitioner, shall be analysed by the GST Department and an affidavit shall be filed stating the following:

(i) Any allegations against the Petitioner based on the data which was given to the GST Department from the said CPU;

(ii) The other steps that the GST Department intends to take against the Petitioner or any other person based on the said data;

(iii) The role of the Petitioner as is revealed from the various statements recorded, in a redacted form, without revealing the names of the persons who have disclosed the said data;

(iv) The data determent in terms of paragraph 23(II)(i), 23(II)(ii) and 23(II)(iii).

25. This affidavit, in a redacted form, shall be supplied to 1d. Sr. Counsels for the Petitioner and shall be filed in the Registry. On the next date of hearing, however, the non-redacted affidavit shall also be shown to the Court.

26. The inspection of the CPU of the Petitioner, in the presence of the persons as directed above, shall take place on 11th September 2025 and 12th September 2025 from 11:00 am onwards on both days.

27. The fee of the IT officials of the Delhi High Court is fixed at lumpsum Rs.1,00,000/- each, which shall be shared equally by the Petitioner and the GST Department.

28. After the affidavit is filed, the legal issues which have been raised in the present matter shall be considered.

29. In the meantime, it is made clear that no coercive measures shall be taken against the Petitioner by the GST Department. The Petitioner shall only be present during the inspection of the CPU, to enable identification of files.

30. The original file, containing the reasons for the GST Department to investigate the Petitioner, is returned to the GST Department.

31. The material given in a sealed cover by Mr. Singla shall be re-sealed and be kept with the Registry of this Court and shall be sent to the Court on the next date of hearing.

32. List for hearing on 30th October 2025.”

20. Subsequently, on 13.11.2025, the Court considered the further application filed by the Respondent Department seeking permission for forensic examination of the parsed data from the CPU. By that stage, the cloning of the CPU had been completed and the data had been copied onto two hard disks. The report of the Local Commissioners also recorded certain disputes between the parties regarding the identification and handing over of files, including files relating to MTPL. The order dated 13.11.2025 is reproduced below:

*“**Order dated 13.11.2025***

1. This hearing has been done through hybrid mode.

CM APPL. 68661/2025

2. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908 read with Article 226 of the Constitution of India by the Respondent No.2- Goods and Services Tax Department (East) (hereinafter, 'GST Department'), inter alia, seeking the following direction:

> *"A. Pass a direction that the parsed hard drives of the CPU of the Petitioner in possession of the IT Officers of the Hon'ble Court be handed over to the DGGI-NFSU (MHA) LAB for complete forensic examination under such conditions as the Hon'ble Court may deem fit and proper;"*

3. Issue notice in the present application.

4. In support of the application, Mr. Tushar Mehta, Id. Solicitor General along with Mr. S.V. Raju, ld. Additional Solicitor General have made their submissions, on behalf of the Respondents.

5. An affidavit dated 29th October, 2025, in compliance of the order of this Court dated 9th September, 2025 has been handed over today, by the GST Department.

6. The affidavit is stated to be containing certain confidential information relating to the ongoing investigation which is being carried out against M/s Martkarma Technologies Pvt. Ltd, (hereinafter, 'M/s Martkarma'), the gaming company that is stated to have engaged the Petitioner for rendering various professional and legal services. Accordingly, a redacted copy of the affidavit has been handed over to ld. Sr. Counsels for the Petitioner.

7. The submission on behalf of ld. Solicitor General on behalf of the

GST Department is that, the Petitioner- Mr. Puneet Batra was in fact, gaining 0.7% of revenue, which was being collected by M/s Martkarma, and was therefore in a partnership, and was not merely acting as an Advocate for the M/s Martkarma. However, this position is completely disputed by the Petitioner.

8. On the basis of the affidavit, the submission of ld. Solicitor General on behalf of the GST Department is that, there are various employees and other officials of M/s Martkarma, including directors, etc., who have repeatedly made statements that the Petitioner was actively involved in the running of M/s Martkarma, and was not merely associated in his professional capacity as an Advocate under advocate-client relationship.

9. Presently, the prayer sought by the present application is that, the Central Processing Unit (hereinafter, 'CPU') which was seized from the Petitioner, which was directed to be inspected in terms of paragraphs 23 and 24 of the previous order of this Court dated 9th September 2025, has only been partially parsed, though the cloning of the CPU has already been completed. It is submitted that the process of parsing requires specialized technical machinery, to enable proper analysis of the data. The previous order had laid down specific directions regarding the manner in which the CPU was to be examined.

10. Ld. Senior Counsels appearing on behalf of Petitioner submit that they intend to file a reply to the present application.

11. The Court has heard all the Id. Sr. Counsels appearing on behalf of the parties in this matter.

12. Vide previous order dated 9th September, 2025, the Court had directed as under:

> *"22. Needless to add, GST officials ought not to be permitted to open the CPU or computer of any advocate without his presence and consent, inasmuch as the same could lead to serious breach of confidentiality and advocate-client privilege. The GST Department is cautioned that, unless there are exceptional circumstances and subject to further orders that may be passed by the Court, if any advocate's office is to be searched or computer is to be opened, the same ought to take place in the presence of the advocate and not otherwise.*
>
> *23. At this point in time, the Court is, however, inclined to permit the CPU of the Petitioner to be examined subject to the following conditions:*
>
> ***(I) Persons in whose presence the CPU shall be examined:***
> *(1) The CPU shall be permitted to be examined by the GST officials in the presence of the Petitioner and two lawyers or*

one lawyer and a forensic expert on his behalf.

(2) Two senior officials of the IT Department, Delhi High Court i.e., ***Mr. Sarsij Kumar, Director (IT Branch) (Mob. No. 9650006723) and Mr. Zameem Ahmad Khan, Joint Director (IT Branch) (Mob. No.9650006732)****, shall also be present at the time when the CPU is accessed.*

(3) One forensic expert on behalf of the GST Department shall also be permitted to be present at the time when the CPU is accessed.

(II) Data that is to be determined:

(1) In the presence of the above persons, the CPU shall be connected to a monitor, a keyboard, and a mouse. Upon accessing the same, the following shall be determined:

(i) When was the last date when the data was accessed by any person.

(ii) What was the nature of the files accessed on 25th July 2025, when the GST officials had inspected the said CPU.

(iii) Whether any files have been deleted, copied, orremoved from the said CPU at any point in time and if so, details of the same along with the dates and time.

(2) The entire hard drive of the CPU shall be cloned, and a cloned copy shall be given to the Petitioner.

(III) Identified Data to be copied on a hard disk:

(1) After the above procedure is undertaken, with the assistance of the Petitioner, all the files related to the client i.e. M/s Martkarma Technology Pvt. Ltd. and any entities/individuals who may be related to the said client shall be identified. The files so identified shall be copied on a hard disk and supplied to the GST Department for further investigation.

(IV) Steps to be followed post determination of data:

(1) After the above procedure is undertaken, the CPU itself shall be sealed and shall remain in the custody of the GST Department, subject to the condition that the same shall not be accessed or opened without further orders of this Court.

24. Any data which is received by the GST Department, which is retrieved from the CPU of the Petitioner, shall be analysed by the GST Department and an affidavit shall be filed stating the following:

(i) Any allegations against the Petitioner based on the data which was given to the GST Department from the said CPU;

(ii) The other steps that the GST Department intends to take against the Petitioner or any other person based on the said data;

(iii) The role of the Petitioner as is revealed from the various statements recorded, in a redacted form, without revealing the names of the persons who have disclosed the said data;

(iv) The data determent in terms of paragraph 23(II) (i), 23(II)(ii) and 23(II)(iii).

25. This affidavit, in a redacted form, shall be supplied to ld. Sr. Counsels for the Petitioner and shall be filed in the Registry. On the next date of hearing, however, the non-redacted affidavit shall also be shown to the Court.

26. The inspection of the CPU of the Petitioner, in the presence of the persons as directed above, shall take place on 11th September 2025 and 12th September 2025 from 11:00 am onwards on both days."

13. However, the only relief that the Court is presently considering is, whether permission ought to be granted for a further inspection of the CPU, as the analysis of the CPU has been done, only partially, on the two dates earlier fixed by the Court.

14. Since the intention of the Court at that stage was also to ensure that the relevant data is made fully available to the Petitioner, as also to the GST Department, the Court is inclined to allow the prayer in the present application, at this stage, to the extent that the analysis and the parsing can be done in the Directorate General of GST Intelligence, National Forensic Sciences University, Ministry of Home Affairs Lab, in order to expedite the analysis.

15. Today, the Court has also called the official appointed by the Court, i.e., Mr. Sarsij Kumar, Director (IT Branch), who was required to remain present during the examination of the CPU seized from the Petitioner, in terms of the previous order dated 9th September, 2025.

16. Mr. Sarsij Kumar has informed the Court that the total data copied from the CPU onto the hard drive is stored in two separate hard disks, i.e., HD1 and HD2, along with two hash value certificates, which were handed over to the Petitioner i.e., Mr. Punit Batra.

17. Pertinently, the Local Commissioners Report, filed by Mr. Sarsij Kumar and Mr. Zameem Ahmad Khan, also records that there was some dispute between the Petitioner and the GST officer concerned, in respect of certain company related files in HD2, and no consensus could be reached. Even in respect of files pertaining to M/s Martkarma, where there was an agreement between the parties, files could not be handed over to the GST Department, as the Petitioner had declined to release the emails and their attachments citing an advocate-client privilege.

18. In this regard, the report of the Local Commissioners records as under:

"1. In compliance with the directions contained in the order of the Hon'ble Court, clones of two different Hard Disks i.e. HD-1 & HD-2 (along with hash values certificates Annexure Z) were

duly handed over to the Petitioner, Mr. Puneet Batra. two

*2. **During execution of the commission, it was noted that with respect to certain company-related files in HD-2, no consensus could be reached between the parties. Even in respect of the identified Martkarma files on which both the Petitioner and Respondent agreed that they pertained to Martkarma-the files could not be handed over to the Respondent, as the Petitioner declined to release emails and their attachments, including deleted and recovered items, citing advocate-client privilege. The Respondent objected on the ground that there was no such restriction under the Hon'ble Delhi High Court's order dated 09.09.2025, which directed that "all the files related to the client, i.e., M/s Martkarma Technology Pvt. Ltd. and any entities/individuals related to the said client shall be identified; the files so identified shall be copied on a hard disk and supplied to the GST Department for further investigation." Notwithstanding that the names of the said companies were specifically mentioned in the Court's order, the Petitioner did not agree to hand over such files to the Respondent. Accordingly, the said files were copied onto a separate hard disk under a folder titled "Dispute" (the relevant screenshot has been stored in Hard Disk Serial Number WX22425922XR as Annexure P) to be placed before the Hon'ble Court for further directions**.*

3. One hard disk bearing Serial Number WX22A1569F3K(Annexure X) has been used to store the recordings of the proceedings conducted on both days, along with their corresponding hash values. Additionally, the parsed data of HD-1 and HD-2 has also been stored in the said hard disk.

4. Through the use of keywords, data were searched by the GST officer. The recovered data obtained through this process, in respect of which the Petitioner raised no objection, were handed over to the Respondent as well as preserved for the Hon'ble Court, along with the corresponding hash values. All such hash values certificate has been attached folder name is HD-2 7z as Annexure Y in Hard Disk Serial Number WX22A2592D43. A clone copy of Hard Disk WX22A2592D43 containing the same hash value certificates is also maintained as part of this LC Report.

5. It is respectfully submitted that Mr. Gajendra, representative of the GST Office, had provided a document, namely the Panchanama, with the request that the same may kindly be mentioned and taken on record in the present report."

19. The application is presently under consideration for parsing of the *data to make it searchable. Let the parsing of the entire data of CPU be done in the presence of the following persons:*

i. ***Local Commissioners appointed by the Court****: Two senior officials of the IT Department, Delhi High Court, i.e.,* ***Mr. Sarsij Kumar, Director (IT Branch) (Mob. No. 9650006723) and Mr. Zameem Ahmad Khan, Joint Director (IT Branch) (Mob. No.9650006732)****.*

ii. ***Persons on behalf of the Petitioner****: Two Counsels from Petitioner's side, i.e.,* ***Mr. Abhishek Kumar and Mr. Akshit Sharma, Advocates****.*

iii. ***Persons on behalf of the GST Department****: Two officials from Respondent's side, i.e,.* ***Mr. Jyotiraditya, ADG, CGST (Delhi) East and Mr. Gajendra, Superintendent, CGST (Delhi) East****.*

20. The parsing of the data shall be done in the Directorate General of GST Intelligence, National Forensic Sciences University, Ministry of Home Affairs Lab.

21. After the data is parsed, a copy of the same shall be provided to the Petitioner, and shall be retained on a new hard drive by the Court appointed Commissioners. The same shall be kept in the custody of the Local Commissioners for the next date of hearing. If any objections are raised relating to relevance of data for parsing, the same shall still be parsed, however, the Court shall hear the objections on the next date. This is being done to ensure that objections do not come in the way of the technical work that is to be carried out.

22. Additionally, the Petitioner and his two Counsels, who are to be present during the inspection, shall fully cooperate in the copying of the data, and undertake to do.

23. On the next date, after hearing the Sr. Counsels for the Petitioner, further directions would be passed for handing over of the entire parsed data to the GST Department.

24. Furthermore, on the next date of hearing, the recent judgment of the Supreme Court in, Suo Moto Writ Petition (Criminal) No. 2/2025 titled Re: Summoning Advocates who give legal opinion or represent parties during investigation of cases and related issues, shall be considered.

25. Let the hard drive/s for the copying of the data be provided by the GST Department.

26. Let the inspection, verification and copying of the data commence on 17th November, 2025 and go on, until the entire data related to the M/s Matkarma, and any other related persons/entities has been fully parsed. The parsing of data shall take place for not more than six hours daily, as the officials may not be able to spare more time on a daily basis.

> *27. The fee of the Local Commissioners i.e., IT officials of the Delhi High Court is fixed at Rs.25,000/- per day for each official, which shall be shared equally by the Petitioner and the GST Department. The exercise shall be completed between 17th to 25th November 2025, on any convenient dates to the IT officials of Delhi High Court.*
>
> *28. Insofar as the affidavit dated 29th October 2025 handed over by the GST Department is concerned, let the unredacted copy of the affidavit be placed on record in a sealed cover which shall be retained by the Registry, and be placed before the Court on the next date of hearing.*
>
> *29. Let the reply to the present application along with any additional documents, be filed at least three days before the next date of hearing, with a copy thereof served upon the 1d. Counsel for the Respondents.*
>
> *30. Let the subsequent remand applications filed by the GST Department concerning the company/persons/entities under investigation, in relation to the M/s Martkarma, be brought on record.*
>
> *31. List for hearing on 4th December, 2025.*
>
> *32. In the meantime, interim directions granted earlier, shall continue till the next date of hearing."*

21. It is also relevant to note that the Petitioner has admitted in the present proceedings that certain files were deleted from a remote location while the search proceedings were underway.

22. During the course of hearing, when the matter had reached the stage of rebuttal, this Court also offered the Petitioner an opportunity to identify the files pertaining to his clients other than MTPL so that the same could be secured and excluded from the material to be made available to the Respondent Department. The said offer was, however, declined by the Petitioner.

23. The aforesaid factual background has given rise to the rival contentions advanced by the parties, particularly with respect to the legality of the search and seizure, the applicability of advocate-client privilege, the examination of the electronic material seized from the

Petitioner, the production of certain material before this Court in a sealed cover, and the role allegedly played by the Petitioner in the affairs of MTPL.

CONTENTIONS OF THE PARTIES:

24. This Court has heard learned senior counsel representing the parties at length spread over various dates of hearing and perused the record.

25. Learned senior counsel representing the Petitioner has made the following submissions:

i. Objection is raised to the production of certain records in a sealed cover, reliance being placed upon the judgment passed by the Supreme Court in ***Madhyamam Broadcasting Limited. v. Union of India & Ors.***[1].

ii. It is submitted that there was no authorization to enter the premises of the Petitioner, who is an Advocate. The Petitioner is protected by advocate-client privilege and cannot be compelled to disclose privileged communications.

iii. No SCN has been issued to MTPL. Initially, it was claimed by the Respondents that Mr. Suraj Kumar was the mastermind, whereas the Respondents are now claiming that the Petitioner is the main person behind the affairs in question. Thus, the Respondents have changed their stance.

iv. Reference is made to the order dated 28.07.2025 passed in W.P.(Crl.) 2332/2025 and Instructions No.02/2022 dated 17.08.2022. It is submitted that the Respondents have not adhered to the procedure laid down by the Central Board of Indirect Taxes and Customs and the Master Circular issued by the Ministry of Finance.

v. The entire procedure followed at the time of search is stated to be illegal. Reference in this regard is made to *Clause 16.24, Search And Seizure of Digital Evidence* under *Section C* titled '*Seizing Various Digital Evidence*' of the CBI Manual, 2020.

vi. *Lastly*, it is submitted that the Respondents have failed to record the reasons to believe for authorizing the search. The Resolution of the Board dated 29.09.2025 waiving the privilege does not assist the Respondents, as the search was carried out on 25.07.2025.

26. *Per contra*, learned ASG representing the Respondents has made the following submissions:

i. Investigation into tax evasion by certain Indian entities unlawfully accepting payments on behalf of offshore online gambling websites, including winner11.com, is under progress. The investigation has revealed that whenever a user intends to gamble on offshore platforms and intends to make a deposit in furtherance thereof, the payments are routed through Indian entities specifically created for this purpose, thereby disguising

[1] (2023) SCC OnLine SC 366

the true nature of the transactions. One such entity is MTPL, which, according to the Respondents, was essentially controlled by the Petitioner along with others.

ii. It is submitted that the Petitioner is essentially a conduit and beneficiary of offshore online gambling. At present, the investigation has revealed that MTPL has received approximately Rs.1306 crores from users towards enabling participation in gambling activities on offshore websites, on which 28% GST is payable, amounting to Rs.365.68 crores. The GST paid by the Petitioner, according to the Respondents, does not constitute the statutory liability arising from the aforesaid transactions. The illegal model continues to operate, necessitating further investigation.

iii. It is further submitted that the Petitioner was not acting as an Advocate for MTPL in a manner so as to attract advocate-client privilege, as he was deeply embedded in the operations of MTPL and directly benefitted therefrom. For every rupee deposited by a user in MTPL, 0.7% was allegedly the profit of the Petitioner, which may vary upon completion of the investigation. The advocate-client privilege, it is submitted, does not extend to a participant in crime merely because he happens to be a lawyer by profession.

iv. The search was carried out pursuant to the authorization for search dated 24.07.2025 issued by the Additional Commissioner. It is submitted that specific permission was granted for carrying out search and confiscation of material from Bass Legal. The Petitioner's cabin, according to the Respondents, formed an integral part of the premises of Bass Legal and was therefore covered by the authorization.

v. It is submitted that the statements of various witnesses have been recorded, which show that the Petitioner was deeply involved in, and instrumental in, controlling the affairs of MTPL and that the relationship was not merely one of lawyer and client. It is submitted that disputed questions of fact are involved and that Section 132 of the Bharatiya Sakshya Adhiniyam, 2023 [hereinafter referred to as 'BSA'], provides for waiver of privilege, which, according to the Respondents, has taken place in the present case.

vi. It is submitted that the investigation is at a nascent stage and that this Court, if required, may lift the corporate veil and examine whether the Petitioner was merely performing his functions as a lawyer or was acting as a conduit.

vii. It is further submitted that the Petitioner has indulged in threatening witnesses and had remote access to the data contained in his computer, which he deleted. The Petitioner allegedly has access to the Chinese website, i.e. winner11.com, and to the bank account of MTPL. It is further alleged that the Petitioner generated invoices without supply of goods and made repeated visits to Hong Kong to contact the management of winner11.com. Furthermore, it is submitted that the Petitioner has not cooperated with the Local Commissioners.

27. No other submissions have been made by learned senior counsel representing the parties.

ANALYSIS AND FINDINGS:

28. The principal issue which arises for consideration is the legality of the search and seizure of documents and the CPU from the cabin used by the Petitioner. The question has to be considered in the context of the fact that the premises searched was the premises of Bass Legal and the authorization issued by the competent authority was for search of the said premises.

29. The Petitioner has annexed copies of photographs which prove that the office of Bass Legal consists of open space where arrangement for sitting of staff has been made. Thereafter, there are two cabins in the rear which open towards the space assigned for the staff. One cabin belong to the Petitioner's father, whereas, the second cabin belongs to the Petitioner. Thus, the Petitioner's cabin is inside the office of Bass Legal and the cabin is part and parcel of the same. A perusal of the Petitioner's letterhead also shows that the Petitioner's address is also same and identical.

30. This Court has also examined the reasons to believe recorded by the concerned officer before granting permission for the search. The satisfaction required at this stage is not a finding of guilt or a determination of the merits of the allegations against the person whose premises are searched. The Court is required to examine whether there

was material before the competent authority on the basis of which the statutory power under Section 67(2) of the CGST Act could have been exercised. On such examination, this Court is satisfied that the reasons recorded disclose a sufficient basis for authorizing the search of the premises of Bass Legal. Once the premises had been validly authorized to be searched, the fact that one of the cabins situated within those premises was being used by the Petitioner would not, by itself, render the search of that cabin unauthorized.

31. The fact that the Petitioner is an Advocate and that the cabin from which the CPU was seized was being used by him, by itself, cannot render the search of the premises unauthorized. The question of protection available to any material found during such search, on the ground of advocate-client privilege, is a separate issue and has to be considered having regard to the nature of the material and the role attributed to the Petitioner in the investigation.

32. The Respondents have, however, placed before this Court material collected during investigation to contend that the Petitioner was not merely rendering professional services to MTPL but was himself involved in the affairs and operations of the MTPL. The Respondents have referred to statements of various persons recorded during investigation and have also relied upon material concerning the alleged financial benefit received by the Petitioner, his access to the affairs of MTPL and the alleged deletion of data from the computer during the search proceedings.

33. The relevance of the aforesaid material at this stage is limited.

This Court is not required to determine whether the allegations made against the Petitioner are ultimately established. The question is whether the Respondents had material which warranted investigation into the Petitioner's role beyond that of an Advocate providing professional services to MTPL. The distinction assumes significance because the protection available to professional communications cannot be equated with an immunity from investigation into the Advocate's own conduct or activities, where such activities are themselves the subject matter of investigation.

34. The protection of advocate-client privilege is intended to preserve the confidentiality of communications made in the course of the professional relationship between an Advocate and his client. The privilege, however, attaches to the nature of the communication or material and the circumstances in which it came into existence. It does not follow merely from the fact that the material is found in the office or possession of an Advocate. Consequently, material relating to the independent affairs, transactions or activities of the Advocate himself cannot, merely by reason of its being found in his office, be placed beyond the reach of a lawful investigation.

35. It is also necessary to bear in mind that the privilege contemplated under Section 132 of the BSA is, in substance, a privilege conferred for the protection of the client and not a personal privilege of the Advocate. The statutory scheme itself makes this position clear, inasmuch as an Advocate is prohibited from disclosing a professional communication except with the express consent of the client. The purpose of the provision is to ensure that a client is able to

communicate freely and candidly with his Advocate, without apprehension that such communication would subsequently be disclosed to his detriment. The obligation of the Advocate to maintain confidentiality is, therefore, the consequence of the privilege which vests in and protects the client.

36. In the present case, the Respondents have specifically alleged, on the basis of material collected during investigation, that the Petitioner was himself involved in the affairs of MTPL and was not merely representing MTPL in his professional capacity. This Court had also, in its earlier orders, required the Respondents to place material before the Court to substantiate the allegation regarding the Petitioner's personal involvement. The material subsequently placed before the Court, including the statements referred to by the Respondents, is being considered only for this limited purpose. It is not being treated as establishing the guilt or liability of the Petitioner, but only as material relevant to the question whether the investigation could be interdicted altogether on the ground of advocate-client privilege.

37. It is also relevant that the Petitioner has admitted that certain files were deleted from a remote location while the search proceedings were underway. The fact of deletion, by itself, cannot be treated as establishing any wrongdoing on the part of the Petitioner. It is, however, a circumstance which the Respondents are entitled to examine in the course of the investigation, particularly since the search involved electronic data and the Respondents allege that the Petitioner had access to and control over such data.

38. At the same time, the Court is conscious that an Advocate's computer may contain confidential material belonging to clients who have no connection whatsoever with the investigation. It was for this reason that this Court, from the very inception of the proceedings, directed that the CPU should not be opened or its contents downloaded without the presence of the Petitioner or his authorized representative and thereafter prescribed detailed safeguards for examination, cloning and identification of the relevant data.

39. The subsequent orders passed by this Court were thus intended to ensure that the investigation is not frustrated while, at the same time, the confidentiality of data pertaining to third-party clients is protected. The Local Commissioners were directed to supervise the exercise and the data was to be identified with the assistance of the Petitioner. The procedure adopted by this Court also ensured that the Petitioner received a cloned copy of the data.

40. The objection of the Petitioner regarding the production of certain material in a sealed cover may now be considered. The material produced before this Court comprises material collected by the Respondents during the course of the ongoing investigation, including proceedings and statements of persons examined during such investigation. The Respondents have placed the said material before the Court to enable the Court to examine the basis of the investigation and the role attributed to the Petitioner, and not as material on the basis of which any final adjudication of liability is being undertaken.

41. At the stage of an ongoing investigation, the Court is required to exercise due caution in directing disclosure of the investigative material placed before it, particularly where such disclosure may reveal the statements of persons examined by the investigating agency or the course and direction of the investigation. The fact that such material has been produced before the Court does not, by itself, confer upon the Petitioner an unrestricted right to obtain copies thereof.

42. The statutory protection contained in Section 192(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023 [hereinafter referred to as 'BNSS'], though applicable in the context of police case diaries, also reflects the principle that investigative records are not ordinarily made available to the person under investigation merely because such records have been referred to before the Court. Likewise, Section 130 of the BSA recognises the protection available to communications made to a public officer in official confidence where disclosure is considered prejudicial to public interest.

43. Further, the judgment in ***Madhyamam Broadcasting Limited*** *(supra)* was rendered in a different context. The Supreme Court considered and answered the issues culled out in Paragraph No.22 of the said judgment. It is also relevant that, in that case, the Union of India had not contended that the intelligence inputs constituted part of the investigation or formed part of the police diary. The said judgment, therefore, does not apply to the facts and circumstances of the present case.

44. It will also be noted that ***Balakram v. State of Uttarakhand &***

Ors.[2], a Three-Judges Bench of the Supreme Court examined the right of an accused to seek access to the police diary and reiterated that such diary is a record of the day-to-day investigation and is not ordinarily available to the accused or his agent for inspection during the course of inquiry or trial.

45. Similarly, in ***Sidharth, Etc. Etc v. State of Bihar***[3], the Supreme Court reiterated the principle relating to the non-disclosure of case diaries. While the aforesaid decisions arise in the context of police investigation, the principle underlying them is relevant for the present purpose, namely, that disclosure of investigative material during the pendency of investigation cannot be directed as a matter of course where such disclosure may impede or interfere with the investigation. In the facts of the present case, this Court is therefore of the view that copies of the material produced in the sealed cover should not be furnished to the Petitioner at this stage.

46. It is clarified that the Court has not placed reliance upon the aforesaid material for returning any finding on the ultimate liability of the Petitioner or MTPL. The material has been considered only for the limited purpose of determining whether the Respondents had a basis to proceed with the investigation and whether the challenge to the search can be accepted on the ground that the Petitioner was acting solely in his capacity as an Advocate. The admissibility, evidentiary value and probative worth of such material, if and when required, would have to be considered at the appropriate stage and in

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[2] 2017 INSC 365
[3] (2005) 12 SCC 545; 2005 INSC 462

accordance with law

47. The next argument of learned senior counsel representing the Petitioner is that no SCN has been issued to MTPL. The absence of a SCN, at this stage, cannot by itself render the search or the summons issued to the Petitioner illegal. The proceedings in question are at the stage of investigation and issuance of a SCN is a subsequent stage, if the investigation ultimately results in initiation of adjudicatory proceedings. The contention, therefore, does not affect the legality of the search conducted on 25.07.2025. It is also pertinent to note that the Petitioner had been issued summons on several occasions, *vide* communications dated 22.09.2024, 01.10.2024, 10.06.2025 and 19.06.2025, and had appeared before the Respondent Department and furnished his statement.

48. As far as the alleged change of stand is concerned, the contention of learned senior counsel is based upon the fact that, at the time of seeking remand of Mr. Suraj Kumar @ Suraj Mishra, Mr. Arvind Kumar and Mr. Pawan Kumar, the Respondents had stated that Mr. Suraj Kumar was looking after the operations and finances and was the main key person for the company. The Respondents are now alleging that the Petitioner was also actively involved in the affairs of MTPL. In the considered view of the Court, there is no inconsistency in the two stands merely because the investigation has subsequently brought forth material concerning the role of another person.

49. An investigation is not static and, with the progress of investigation and collection of further material, the Investigating

Agency is entitled to examine the role of persons who may subsequently emerge as having a connection with the transactions under investigation. The fact that a particular person was earlier described as the person looking after the operations or finances of the company does not, by itself, exclude the possibility of another person having an active or consequential role. The subsequent attribution of a role to the Petitioner, therefore, cannot, without more, be characterised as a change of stand or as changing the goalpost.

50. The reliance placed upon the order dated 28.07.2025 passed in W.P.(Crl.) 2332/2025, Instructions No.02/2022 and the Master Circular also does not assist the Petitioner. The statutory power of search under Section 67 of the CGST Act has to be exercised in accordance with the conditions prescribed by the statute. Administrative instructions and circulars may regulate the manner in which such power is to be exercised, but cannot curtail or extinguish a power which the statute itself confers upon the competent authority. Therefore, even assuming that there has been some deviation from the procedure contained in the aforesaid instructions, such deviation would have to be examined in the context of the statutory requirements and the legality of the authorization. In the absence of any demonstrated violation of a mandatory statutory requirement affecting the validity of the authorization or the jurisdiction to conduct the search, such procedural deviation would not, by itself, warrant declaring the entire search illegal.

51. Likewise, the reliance upon Clause 16.24 to contend that the entire procedure followed at the time of search was illegal cannot be

accepted. The said Clause, even if applicable to the search in question, cannot override the statutory power conferred under Section 67 of the CGST Act. The mere allegation of non-compliance with an administrative procedure, in the absence of any demonstration that the statutory authorization itself was invalid or that the search was conducted without jurisdiction, would not render the search *void ab initio*.

52. The position arising from the Board Resolution dated 29.09.2025 also requires to be noticed. By the said Resolution, the Board of Directors of MTPL has taken note that, *inter alia*, the Petitioner, Mohit Bhandari and Bass Legal LLP are in possession of statutory, financial, accounting, tax, data, files, books of accounts, invoices, agreements, email and physical correspondence and other material, whether physical, electronic or digital, belonging to MTPL. The Board has thereafter expressly consented and recorded that it has no objection to the handover and submission of all such documents and material, including electronic and digital material and email exchanges, to the CGST authorities, and has undertaken to extend full cooperation in connection with the inquiry, verification, investigation or proceedings.

53. Thus, insofar as the material belongs to MTPL and is covered by the aforesaid Resolution, the client itself has, as on date, expressly consented to its production before the Respondent Department. The present position is, therefore, materially different from a situation where the Advocate seeks to resist disclosure of MTPL's material solely on the ground of the absence of consent from the client.

54. The aforesaid Resolution, however, is subsequent to the search conducted on 25.07.2025 and cannot be relied upon to retrospectively validate the authorization or the search conducted pursuant thereto. The legality of the search has already been examined with reference to the authorization and the statutory requirements existing on the date of the search. The Resolution is relevant only for recording the present position with regard to the material belonging to MTPL and the consent furnished by MTPL for its handover to the Respondent Department. The said consent, therefore, does not dispense with the requirement of maintaining the confidentiality of material belonging to clients other than MTPL, nor does it authorise the Respondents to examine unrelated third-party client data.

55. The objection that the Petitioner was not granted a personal hearing before the CPU was seized also cannot, by itself, render the seizure illegal. The CPU was seized during the course of a search authorized under Section 67 of the CGST Act. The subsequent proceedings before this Court have, in any event, ensured that the CPU is not accessed in an uncontrolled manner and that appropriate safeguards are in place to protect confidential and privileged material.

56. It is also relevant that when the matter reached the stage of rebuttal, this Court offered the Petitioner an opportunity to identify the files pertaining to his clients other than MTPL so that the same could be secured and excluded from the material to be made available to the Respondent Department. The said offer was, however, declined by the Petitioner. The protection afforded to third-party client data has thus remained an important consideration throughout the proceedings, and

the safeguards directed by this Court have been framed keeping the same in view.

57. In view of the aforesaid discussion, this Court finds that the search of the premises of Bass Legal, including the cabin used by the Petitioner, was carried out pursuant to a valid authorization issued under Section 67(2) of the CGST Act and cannot be held to be unauthorized merely because the Petitioner is an Advocate. There can be no dispute that communications and material protected by advocate-client privilege are entitled to the protection recognised in law. However, such privilege cannot operate as an absolute bar against an investigation into the conduct of the Advocate himself, where the Respondents have placed *prima facie* material indicating that the Petitioner may have acted beyond the role of a legal adviser and may have been involved in the affairs under investigation. This Court is, at this stage, not called upon to return any final finding as to the role of the Petitioner. The question is only whether the search and seizure could be undertaken on the basis of the material available to the Respondents, subject to appropriate safeguards in respect of privileged and confidential material.

58. At the same time, the protection available to confidential communications and data belonging to persons unconnected with the investigation has to be maintained. The safeguards already directed by this Court in respect of examination of the CPU and identification of data sufficiently address this concern. It is also relevant that the Petitioner has admitted that certain files were deleted remotely while the search was underway. This circumstance, by itself, cannot be

treated as establishing any wrongdoing on the part of the Petitioner, however, it is a circumstance which the Respondents would be entitled to examine in the course of the investigation, particularly in the context of the electronic data which was the subject matter of the search.

59. Accordingly, none of the grounds urged by the Petitioner establish any statutory infirmity in the authorization or the search conducted pursuant thereto, or otherwise warrant a declaration that the search or the seizure of the CPU and documents is illegal or *void ab initio*.

CONCLUSION:

60. In view of the aforesaid discussion, this Court finds no ground to interfere with the search conducted on 25.07.2025 or the seizure of the documents and electronic devices pursuant thereto.

61. The Writ Petition is, accordingly, dismissed. The pending applications also stand closed.

62. The interim orders passed in the present proceedings shall stand vacated, save and except to the extent of the safeguards and directions already issued by this Court with regard to the examination and use of the data contained in the seized electronic devices and material. The Respondents shall remain bound by the said safeguards insofar as they concern privileged communications of the Petitioner and confidential information relating to his other clients. The Respondents shall,

however, be at liberty to proceed with the investigation in accordance with law.

63. In order to balance the requirement of investigation with the confidentiality attaching to the affairs of other clients of the Petitioner, it is directed that the Respondents shall, for the purposes of further investigation, make use of the cloned copy of the data prepared pursuant to the orders passed by this Court. The Respondents shall confine the examination of such data to the material relevant to the investigation in question and shall not open, access or examine the data of any other client of the Petitioner which is unrelated to the affairs of MTPL. The Respondents shall accordingly ensure that the confidentiality of the information and documents pertaining to such other clients is not compromised. This direction shall, however, not preclude the Respondents from seeking appropriate orders of this Court in accordance with law, should any specific material pertaining to any other client become relevant to the investigation.

64. It is clarified that the present judgment may not be construed as laying down any general proposition that the status of an Advocate, or the professional relationship between an Advocate and his client, does not attract the protection of advocate-client privilege. The protection accorded to such confidential communications remains an important safeguard in the administration of justice. The conclusion reached in the present case is confined to the peculiar facts and circumstances before this Court, where the Respondents have placed material indicating that the Petitioner's own role and conduct, and not merely the confidential communications between an Advocate and his client,

form part of the subject matter of investigation. Nothing contained in this judgment shall, therefore, be understood as permitting an unrestricted search of an Advocate's premises or as diluting the protection available to genuinely privileged communications and confidential client material in accordance with law.

ANIL KSHETARPAL, J.

SHAIL JAIN, J.

SEPTEMBER 18, 2026
jai/shah

65. At this stage, Mr. Avi Singh, learned senior counsel representing the Petitioner prays for the stay of operation of the present judgment for a period of one (01) week.

66. This Court has considered the submission made by the learned senior counsel representing the Petitioner. However, in the peculiar facts and circumstances of the case, this Bench does not find it appropriate to accede to the aforesaid request.

ANIL KSHETARPAL, J.

SHAIL JAIN, J.

SEPTEMBER 18, 2026
jai/shah