

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 25580 OF 2025

Between:

Voith Turbo Private Limited, 44-1-24/2, Road No 7, PO Industrial Estate Nacharam, Rangareddy, Telangana, 500076 Represented by its General Manager Finance, Shri. Reddi Rajashekara Rao, S/o Reddi Venu Gopala Naidu Aged about 47 years, R/o 49-7-18/4, F -102, Greenvaticaa Apartments, Revenue Ward - 12, Vishakapatnam Andhra Pradesh - 530016

...PETITIONER

AND

1. The Joint Commissioner of Central tax, (Appeals-II, 7th Floor, GST Bhavan, L.B Stadium, Basheerbagh, Hyderabad, Telangana-500 004.
2. The Assistant Commissioner of Central Tax, Amberpet Division, Secunderabad Commissionerate 3-4-118/2, Elegant Edifice Building, Ramanthapur, Hyderabad-500 013
3. The Assistant Commissioner Circle VI, Audit-II Commissionerate, Door No. 1-98/ B/20,21, Sanvi Yamunda Pride, Krithika Layout, Madhapur, Hyderabad-500081
4. Union of India, Ministry of Finance, Represented by its Secretary

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ of Mandamus or any other writ order or direction declaring that impugned Order in Ref No. Order-in-Appeal bearing OIA No. HYD-GST-SC-AP2-416-2023-24 dated 29-02-2024 passed by the Respondent No. 1 under the provisions of CGST/TGST Act, 2017 as being void, arbitrary, illegal, without jurisdiction, violative of the principles of natural justice apart from being violative

of Articles 14, 19(1)(g) and 265 of the Constitution of India, and to consequently set aside the same.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay operation of impugned Order ref No. Order-in-Appeal bearing OIA No. HYD-GST-SC-AP2-416-2023-24 dated 29-02-2024 passed by the Respondent No. 1.

Counsel for the Petitioner : M/s.P.V.PRASAD ASSOCIATES

Counsel for the Respondent No.1to3 :SRI DOMINIC FERNANDES, Sr.SC FOR CBIC

Counsel for the Respondent No.4 : SRI B.MUKHERJEE

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

Writ Petition No.25580 of 2025

ORDER:

Heard Mr.P.V.Prasad, learned counsel for the petitioner, Mr.Dominic Fernandes, learned Senior Standing Counsel for the Central Board of Indirect Taxes and Customs appearing through video conferencing for respondents No.1 to 3 and Mr.B.Mukherjee, learned counsel for respondent No.4.

2. During the course of hearing, learned counsel for the parties reached to a consensus. It is agreed that this petition may be disposed of in terms of order passed in W.P.No.3600 of 2024 dated 22.02.2024.

3. Accordingly, as agreed, the Writ Petition is disposed of by directing the petitioner to deposit 10% of the tax liability as assessed by the Assessing Officer with the Department, if not already deposited, within four weeks from today. The petitioner shall approach the Goods and

Services Tax Appellate Tribunal (for short, 'the Tribunal') within three months from the date of its constitution/ establishment. The Tribunal shall decide the second appeal in accordance with law. Further, subject to depositing 10% of the tax liability within aforesaid time, if not already deposited, no coercive action be taken against the petitioner till the decision of the Tribunal in the second appeal. It is made clear that this Court has not expressed any opinion on the merits of the case. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/-M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Joint Commissioner of Central tax, (Appeals-II, 7th Floor, GST Bhavan, L.B Stadium, Basheerbagh, Hyderabad, Telangana-500 004.
2. The Assistant Commissioner of Central Tax, Amberpet Division, Secunderabad Commissionerate 3-4-118/2, Elegant Edifice Building, Ramanthapur, Hyderabad-500 013
3. The Assistant Commissioner Circle VI, Audit-II Commissionerate, Door No. 1-98/ B/20,21, Sanvi Yamunda Pride, Krithika Layout, Madhapur, Hyderabad-500081
4. The Secretary, Union of India, Ministry of Finance,
5. One CC to M/s.P.V.PRASAD ASSOCIATES, Advocate. [OPUC]
6. One CC to SRI DOMINIC FERNANDES, Senior Standing Counsel for CBIC. [OPUC]
7. One CC to SRI B.MUKHERJEE, Advocate. [OPUC]
8. Two CD Copies.

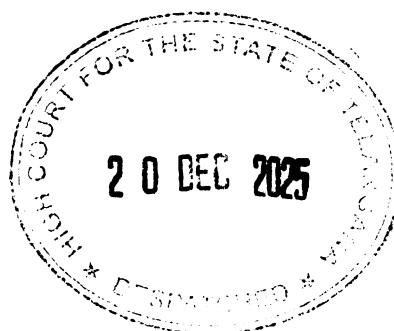
BSK

PA

PMK

HIGH COURT

DATED:01/09/2025



ORDER

WP.No.25580 of 2025

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(10) PA
6/12/25