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

THURSDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 348 OF 2026

Between:

Madineni Srinivas, S/o Sri Lakshmaiah, Aged about 52 years, H. No. 1-10-1/219/140, Reddy Colony, Road No.1, Kushaiguda (Kapra), Medchal-Malkajgiri District, Hyderabad, Telangana 500062.

.....PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Commercial Taxes, Secretariat, Hyderabad.
2. The Commissioner of the Commercial Taxes Department, Telangana State, Commercial Taxes Complex, Nampally, Hyderabad -500 001.
3. The Assistant Commissioner (State Tax), Nacharami II Circle, Malkajgiri Division, Commercial Taxes Department, Government of Telangana, Hyderabad - 500 076.

.....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 appropriate Writ. declaring the action of the all three orders in FORM GST DRC-07 dated 06/10/2025 passed by Respondent No. 3 for FY 2020-21, 2021-22 and 2022-23 under section 74 of the CGST/TSGST Acts, bearing Reference Nos. ZD3610250025015, ZD361025002893M and ZD361025003040C, respectively, as illegal, arbitrary, without jurisdiction, and violative of the principles of natural justice and Articles 14 and 19(1) (g) of the Constitution of India, and consequently quash the same In alternative, set aside all the three impugned FORM GST DRC-07 orders and remand the matter to Respondent No. 3 for fresh adjudication after Considering the Sub-Licence Agreement dated 20/10/2019 and other documents produced by the petitioner and verifying from the records of M/s DRN Infrastructure Pvt. Ltd. and the Department of Mines 8s Geology that royalty and associated GST under reverse charge for FY 2020-21, 2021-22 and 2022-23 have been duly paid by DRN.

I.A.NO:1 OF 2026

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 all further proceedings and recovery pursuant to the three impugned FORM GST DRC-07s all dated 06/10/2025, including coercive recovery of tax, interest, and penalty from the petitioner.

Counsel for the Petitioner : SRI M.UMA SHANKAR

Counsel for the Respondents : SRI SWAROOP OORILLA, SPECIAL GOVT PLEADER FOR STATE TAX

The Court made the following ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.348 of 2026

Dated: 08.01.2026

Between:

Madineni Srinivas

...Petitioner

and

The State of Telangana,
Represented by its Principal Secretary,
Commercial Taxes, Secretariat, Hyderabad,
and 2 others.

...Respondents

ORDER:

Learned counsel Sri M.Uma Shankar appears for the petitioner.

Sri Swaroop Oorilla, learned Special Government Pleader for State Tax, appears for the respondents.

2. The petitioner contends that the sub-license agreement dated 20.10.2019 and other documents produced by the petitioner and the

records of M/s. DRN Infrastructure Pvt. Ltd., the sub-licensee, submitted during adjudication would show that the Goods and Services Tax (GST) on royalty under reverse charge mechanism for the financial years 2020-2021. 2021-2022 and 2022-2023 have been duly paid. The assessing officer while passing the order-in-original under Section 74 of the Central Goods and Services Tax Act, 2017/Telangana Goods and Services Tax Act, 2017 (hereinafter referred to as, "the Act") and the summary of the order in Form GST DRC-07 dated 06.10.2025 has failed to take note of this fact regarding payment of the entire GST amount over royalty under reverse charge mechanism which is the only error or omission on the part of the adjudicating officer. He prays that either the matter may be remanded or liberty may be granted to the petitioner to seek rectification under Section 161 of the Act.

3. Learned Special Government Pleader for State Tax submits that if it is a case of inadvertent omission, the proper officer can exercise his powers of rectification under Section 161 of the Act. Therefore, the petitioner may be directed to approach the proper officer, as it is still within time from the date of the order.

4. Learned counsel for the petitioner submits that the matter may be disposed of in those lines.

5. In that view of the matter, the writ petition is disposed of without getting into the merits of the claim of the parties, with liberty to the petitioner to approach the proper officer with a rectification application in relation to the aforesaid grievances. Needless to say, if such an application is made within the prescribed time, the proper officer would examine it in accordance with law and take a decision thereupon within a reasonable time. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-A. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Commercial Taxes, Secretariat, State of Telangana at Hyderabad.
2. The Commissioner of the Commercial Taxes Department, Telangana State, Commercial Taxes Complex, Nampally, Hyderabad -500 001.
3. The Assistant Commissioner (State Tax), Nacharami II Circle, Malkajgiri Division, Commercial Taxes Department, Government of Telangana, Hyderabad - 500 076.
4. One CC to SRI M.UMA SHANKAR, Advocate [OPUC]
5. One CC to SRI SWAROOP OORILLA, SPECIAL GOVT PLEADER FOR STATE TAX, Advocate [OPUC]
6. Two CD Copies

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HIGH COURT

DATED:08/01/2026

ORDER

WP.No.348 of 2026

DISPOSING OF THE W.P

WITHOUT COSTS.

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