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

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

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 1736 OF 2026

Between:

M/s.Vishist Business Solutions Private Limited, rep. by its Director, Mr. Vishnu Vardhan Reddy, Flat No 5LH-1101, Lanco Hills, Manikonda Jagir, Gachibowli, Hyderabad-500089.

...PETITIONER

AND

1. Appellate Joint Commissioner of State tax (ST), Appellate Authority,Hyderabad Rural Division, 5th Floor, C.T Complex, Nampally, Hyderabad, Telangana-500001
2. Assistant Commissioner (ST), Madhapur -8 Circle, Madhapur Division, Madhapur, Hyderabad, Telangana.
3. Union of India, rep. by its Secretary, Ministry of Finance, Government of India, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi-110 001.
4. State of Telangana, rep. by its Chief Secretary and Special Chief Secretary to Government (FAC), State Tax Department, Secretariat, Hyderabad.
5. Derivatives Connect Private Limited, 1st Floor, Aikya Vihar, Kavuri Hills, Hyderabad-500081, GSTIN. 36AAGCD0806J1ZT

...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 or order or direction. (a) declaring the Certificate dated 05.12.2025 issued by the Chartered Accountant as per Circular No 183/15/2022-GST dated 27.12.2022 along with the copies of GST returns in Form GSTR-1 dated 13.11.2019 and GSTR-3B dated

14.11.2019 for tax period September, 2019 filed by 5th Respondent as a valid proof of uploading of invoices and payment of tax by the 5th Respondent pertaining to invoices of March,2019 and duplicate levy under same issue and same amount as liable to be set aside. (b) declaring Section 16(2)(c) of the CGST Act / SGST Act, 2017, in so far as it imposes the condition that the discharge of outward tax by the supplier i.e., the 5E1' Respondent for the Petitioner to avail input tax credit which is otherwise compliant with Section 16 and other provisions of the GST Act, as being unreasonable, suffering from impossibility of compliance by the Petitioner, arbitrary and violative of Article 14 of the Constitution of India and also violative of Article 14 of the Constitution and consequently, set-aside the appellate order dated 19.11.2025 passed by the 1stRespondent confirming the adjudication order dated 18.04.2024 passed by the 2nd Respondent for the period 2018-19 under Section 73 of the GST Act as being unsustainable and without jurisdiction and pass any other order or orders that the Hon'ble Court deems fit in the circumstances of the case. (c) setting aside the appeal order with APL-04 dated 19.11.2025 passed by the 1st Respondent and adjudication order and demand made under statutory Form DRC-07 dated 18.04.2024 passed by the 2ndRespondent under Section 73 of the GST Act for the tax period 2018-19 for beingas being without jurisdiction and also ultra vires the Central & Telangana GST Act, 2017 for enforcing the effect of Section 16(2)(aa) which was inserted with effect from 01.01.2022 for a prior period, case.

IA 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 grant interim stay of all further proceedings pursuant to the impugned appeal order and Form APL-04 dated 19.11.2025 issued by the 1st respondent and impugned order and proceedings in Form DRC-07 dated 18.04.2024 passed by the 1st Respondent for the tax period 2018-19, pending disposal of the Writ Petition as otherwise the Petitioner will be put to severe loss and hardship.

Counsel for the Petitioner: SRI AKRUTI AGARWAL

Counsel for the Respondents Nos.1,2 & 4: SRI SWAROOP OORILLA, SPECIAL GOVT PLEADER FOR STATE TAX

Counsel for the Respondent No.3: SRI B.MUKHERJEE, FOR SRI N.BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA

Counsel for the Respondent No.5: - - -

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.1736 of 2026

Dated: 22.01.2026

Between:

M/s. Vishist Business Solutions Private Limited

...Petitioner

and

Appellate Joint Commissioner of State Tax (ST),
Appellate Authority, Hyderabad Rural Division,
5th Floor, C.T.Complex, Nampally,
Hyderabad, Telangana – 500 001,
and 4 others.

...Respondents

ORDER:

Learned counsel Ms. Akruti Agarwal appears for the petitioner.

Sri Swaroop Oorilla, learned Special Government Pleader for State Tax, appears for respondents No.1, 2 and 4.

Learned counsel Sri B.Mukherjee, representing Sri N.Bhujanga Rao, learned Deputy Solicitor General of India, appears for respondent No.3.

2. The tax liability for the period 2018-2019 was confirmed in the order-in-original dated 18.04.2024 (Annexure P.2) on the grounds of excess input tax credit claimed on account of non-reconciliation of information declared in GSTR-09 in teeth of Section 16(2)(c) of the Telangana Goods and Services Tax Act, 2017 (hereinafter referred to as, "the Act"), by respondent No.2. The same was affirmed in the appeal vide order dated 19.11.2025 (Annexure P.1), as the petitioner had failed to produce the certificates issued by the suppliers/Chartered Accountants as envisaged in the Central Board of Indirect Taxes and Customs (CBIC) circular dated 27.12.2022 bearing Circular No.183/15/2022-GST in the absence of invoices which are not reflecting in its Form GSTR-2A.

3. The Chartered Accountant's certificate dated 05.12.2025 certified that respondent No.5 had filed the invoices dated 29.03.2019 and 31.03.2019 and discharged its liability for these invoices involving total tax amount of Rs.7,20,000/- and these two invoices were uploaded by the supplier in its Form GSTR-1 for the tax period September 2019 filed

on 13.11.2019. The supplier has paid the entire tax in respect of these invoices through its FORM GSTR-3B for September, 2019 filed on 14.11.2019 and consequent to the above filing, these invoices are reflected in the recipient's FORM GSTR-2A for September 2019. Earlier, respondent No.5 filed NIL returns for March 2019 in Form GSTR-3B filed on 31.07.2019 and Form GSTR-1 filed on 13.11.2019. However, since respondent No.5 rectified its mistake of not uploading the invoices pertaining to the petitioner in September, 2019 return in both GSTR-1 and GSTR-3B, the petitioner should not be made to suffer. It is submitted that if the certificate of the Chartered Accountant in terms of the circular dated 27.12.2022 which deals with the subject of dues in input tax credit availed in GSTR-3B as compared from Form GSTR-2A for the financial years 2017-2018 and 2018-2019 is taken into consideration, the petitioner would not be liable for payment of any tax. The petitioner has, therefore, approached this Court in the writ jurisdiction.

4. Learned Special Government Pleader for State Tax submits that for this omission, the petitioner can seek rectification of the impugned order-in-original before the proper officer under Section 161 of the Act.

5. Learned counsel for the petitioner, therefore, seeks liberty to the petitioner to approach the proper officer with the aforesaid prayer.

6. Having regard to the facts and circumstances noted above, the writ petition is disposed of without commenting on the merits of the case of the parties by allowing the petitioner to approach the proper officer with an application for rectification of the order-in-original supported with the necessary documents as above. Needless to say, the proper officer would consider such application in accordance with law after due verification of the records. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Appellate Joint Commissioner of State tax (ST), Appellate Authority,Hyderabad Rural Division, 5th Floor, C.T Complex, Nampally, Hyderabad, Telangana-500001
2. The Assistant Commissioner (ST), Madhapur -8 Circle, Madhapur Division, Madhapur, Hyderabad, Telangana.
3. The Secretary, Union of India, Ministry of Finance, Government of India, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi-110 001.
4. The Chief Secretary and Special Chief Secretary to Government (FAC), State Tax Department, Secretariat, Hyderabad.
5. One CC to SRI AKRUTI AGARWAL, Advocate [OPUC]
6. One CC to SRI N.BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA [OPUC]
7. One CC to SRI SWAROOP OORILLA, SPECIAL GOVT PLEADER FOR STATE TAX [OPUC]
8. Two CD Copies

PMK/PMK

HIGH COURT

DATED:22/01/2026

ORDER

WP.No.1736 of 2026

HIGH COURT FOR THE STATE OF TELANGANA
10 FEB 2026
★ DESPATCHED ★

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

10
MT
29/1/26