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

THURSDAY, THE TWELFTH DAY OF FEBRUARY
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: 19283 OF 2025

Between:

YENTRA TECH CONTROLS PRIVATE LIMITED, Plot No 24 Street No 2, Road No 72, Jubilee Hills, Hyderabad, Telangana, 500033 Represented by its Director Bhojraj Rohit Naidu Yerramsetty, S/O. Yerramsetty Venkateswara Prasad Aged about 37 Years, occ.Business R/O. H no 557, Road no 45, Jubilee hills, Hyderabad, Telangana, 500033

...PETITIONER

AND

1. The Assistant Commissioner of State Tax, Punjagutta Division, Jubilee Hills 4 Circle, Telangana
2. Commissioner of Commercial Taxes, State of Telangana, C.T. Complex, Nampally, Hyderabad- 500001
3. State of Telangana, Through Principal Secretary to Government Revenue Department (Commercial Tax), Hyderabad, Telangana

...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 pass a writ order or direction, more particularly in the nature of a writ of mandamus declaring the order passed by the Respondent No. 1 u/s. 73 of the CGST Act dated 09-05-2024 in Form GST DRC 07 bearing Reference No. ZD3605240183987 and also declare the Show Cause Notice in Form No. DRC-01 bearing Ref No. ZD3611230070517 dated 06-11-2023 passed by the Respondent No. 1 for the Financial year 2020-21 as being void, illegal, arbitrary, violative of Articles 14, 19, 21 and 265 of the Constitution of India, violative of principles of natural justice, and without authority of law and 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 all further action pursuant to the Show Cause Notice in Form No. DRC-01 bearing Ref No. ZD3611230070517 dated 06-11-2023 and its consequent Order under Form No. DRC-07 bearing Reference No. ZD3605240183987 dated 09-05-2024 dated passed by the Respondent No. 1 for the Financial year 2020-21, pending disposal of the writ petition.

Counsel for the Petitioner: SRI NISHANTH RAO.K.N

Counsel for the Respondents: SRI SWAROOP OORILLA,
SPL. GP 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. 19283 of 2025

DATED : 12.02.2026

Between:

Yentra Tech Controls Private Limited

... Petitioner

AND

The Assistant Commissioner of State Tax,
Jubilee Hills 4 Circle,
Telangana and two others

... Respondents

ORDER:

Sri Nishanth Rao K N, learned counsel appears for petitioner.

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

2. The petitioner has assailed the Summary of show cause notice dated 06.11.2023 issued in Form GST DRC-01 for the Assessment Year 2020-21 and the order passed under Section 73 of the Telangana Goods and Services Tax (TGST)/Central Goods and Services Tax (CGST) Act, 2017, and the summary of the order passed in Form GST DRC-07 dated 09.05.2024.

3. One of the main grounds of challenge is that the impugned proceedings cover the tax period 2021-22 as evident from the allegations made in the show cause notice but in the caption, it is wrongly shown as Assessment Year 2020-21. The other ground taken by the petitioner is that for the same year, best judgment assessment under Section 62 of CGST Act, 2017, has been carried out by the same Officer due to non-filing of return for October, 2021. The petitioner has taken a plea that for the same period, two such orders by the same Officer cannot be sustained in the eye of law.

4. Counter-affidavit and rejoinder affidavit had been filed by the parties.

5. Learned counsel for the parties have drawn the attention of this Court to the relevant documents on record. It is not in dispute that the best judgment assessment order was passed due to non-filing of returns for October, 2021, by the assessee. That order is not under challenge. The Order-In-Original under Section 73 of TGST/CGST Act, 2017, is challenged on

account of alleged duplicity of proceedings for the same period i.e., best judgment assessment order for October, 2021.

6. From the pleadings on record, the enclosed documents, and the stand of the respondents, it is evident that the proceedings under Section 73 of TGST/CGST Act, 2017, relate to the non-payment of a substantial amount of tax against the taxable value of Rs.1.5 crores as found on verification of e-Way Bill dated 29.10.2021. This was an intra- state movement of the goods. It is also not in dispute that the best judgment assessment order for the period October, 2021, does not impose any tax liability on account of e-Way Bill. Section 73 of TGST/CGST Act, 2017, allows the proper officer to initiate proceedings for determination of tax not paid or short paid or erroneously refunded, or where input tax credit has been wrongly availed or utilized for any reason, other than the reason of fraud or any wilful-misstatement or suppression of facts to evade tax, where it appears to the proper officer that such tax has not been paid. As such, passing of the best judgment assessment order in the absence of a return for the

aforesaid period could not take note of the transaction under e-Way Bill dated which was made the subject matter of the proceedings under Section 73 of TGST/CGST Act, 2017. However, an error has crept in the adjudication proceedings in respect of the reference of the Assessment Year as 2020-21 instead of 2021-22. Such an error ought to have been corrected by the proper officer under Section 161 of TGST/CGST Act, 2017. Such correction can be made *suo motu* by the proper officer. The petitioner will have the opportunity to prefer an appeal after such rectification is made in the show cause notice and the Order-In-Original taking all grounds of facts and law which are available to it. The period for filing appeal would commence only after rectification of the show cause notice and the Order-In-Original by the proper officer under Section 161 of TGST/CGST Act, 2017.

With the aforesaid observations and directions, the instant Writ Petition is disposed of. There shall be no order as to costs. Let it be made clear that we have not gone into the merits of the case of the parties apart from what has been observed hereinabove.

Miscellaneous applications, if any pending, shall stand closed.

SD/-M.OSMAN ALI BAIG
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Assistant Commissioner of State Tax, Punjagutta Division, Jubilee Hills 4 Circle, Telangana
2. The Commissioner of Commercial Taxes, State of Telangana, C.T. Complex, Nampally, Hyderabad- 500001
3. The Principal Secretary to Government Revenue Department (Commercial Tax), Hyderabad, Telangana, State of Telangana.
4. One CC to SRI NISHANTH RAO.KN, Advocate [OPUC]
5. Two CCs to SRI SWAROOP OORILLA, SPL. GP FOR STATE TAX, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

BSR/BSK

HIGH COURT

DATED:12/02/2026

ORDER

WP.No.19283 of 2025

DISPOSING OF THE WRIT PETITION,

WITHOUT COSTS

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23/2/26.