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

WEDNESDAY, THE FIRST DAY OF JULY
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: 4332 OF 2026

Between:

M/s. Eshwara Chandra Agencies, Represented by its Proprietor Vanguri Chandra Shekhar, Aged about 50 years, Plot No 38, Hastinapuram North Extension, Hastinapuram, Hyderabad, Telangana, 500074.

...PETITIONER

AND

1. Union of India Represented by its Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi- 110001.
2. The Commissioner of Customs and Central Tax, Ranga Reddy GST Commissionerate, GST Bhavanm H.No.1-98/7/43, VIP Hills, Jai Hind Enclave, Madhapur, Hyderabad- 500081.
3. The Assistant Commissioner of Customs and Central Tax, Nagole CGST Division, 1st Floor, Sai Balaji Arcade, 2-3-908, Plot No.183 and 184, Sy.No.92, Co-operative Bank Colony, Nagole, Hyderabad- 500068.
4. The Superintendent of Central Tax, Nagole CGST Division, 1st Floor, Sai Balaji Arcade, 2-3-908, Plot No.183 and 184, Sy.No.92, Co-operative Bank Colony, Nagole, Hyderabad- 500068.

...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 or Order, more particularly in the nature of Writ of Mandamus or any other appropriate Writ, declaring the impugned order vide Form GST DRC-07 in Reference No. ZD360824144757W, dated 30/08/2024 along with Order-in-Original No.55/2024-24-ADJN-GST dated 16/08/2024 and the DRC-01 vide Reference No. ZD3608241446156 dated 30/08/2024 along with Show Cause Notice vide SCN o.10/2024-25-(Supdt) dated 11/06/2024, that have been issued in the GST portal without either physically nor digitally signed issued by duplicating the same demand on same issue, issued by wrongfully invoking the provisions of Section 74 and issued a common consolidated order for all the FYs from 2018,19 to 2022-23 as arbitrary, ab initio void, contrary to the provisions of CGST Act and Rules, 2017 and TGST Act and Rules, 2017 and violative of Articles 19(1)(g) and 300A of the Indian Constitution

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 grant stay an interim relief to restrain the Respondents from initiating any action to recover the demands confirmed under the impugned Order in Form GST DRC , 07 Reference No.ZD360824144757W, dated 30/08/2024

I.A. NO: 2 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 suspend the operation of FORM GST DRC-13 dated 25/01/2025 and two FORM GST DRC-13's dated 30/01/2026 to recover the demands confirmed under the impugned order vide DRC-07 Reference No ZD360824144757W, dated 30-08-2024along with attachment for FYs 2018-19 to 2022-23 pending disposal of this writ petition as the impugned orders themselves are without jurisdiction in view of the grounds of appeal supra

Counsel for the Petitioner: SRI. PUPPALA BHARATH NANDAN

Counsel for the Respondent No.1: SRI A L BHARADWAJINI

Counsel for the Respondent Nos. 2to4: SRI. R SUSHANTH REDDY (SC FOR CBIC)

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.4332 of 2026

Dated: 01.07.2026

Between:

M/s. Eshwara Chandra Agencies,
Rep. by its Proprietor Vanguri Chandra Shekhar,
aged about 50 years, Hastinapuram, Hyderabad.

... Petitioner

AND

Union of India,
Represented by its Secretary,
Department of Revenue,
Ministry of Finance, North Block,
New Delhi-110001 and three others.

... Respondents

ORDER:

Heard Mr. Puppala Bharath Nandan, learned counsel for the petitioner and Mr. R. Sushanth Reddy, learned Standing Counsel for Central Board of Indirect Taxes and Customs (CBIC), appearing for respondent Nos.2 to 4.

2. The Writ Petition was filed assailing the order-in-original dated 16.08.2024 and the summary of the order in Form GST DRC-07 dated 30.08.2024 on the plea that the entire amount was appropriated as per

the order-in-original and there was a discrepancy in the aforesaid order-in-original and summary of the order in Form GST DRC-07. The matter was adjourned for learned Standing Counsel for CBIC to take steps for rectification of the summary of the order. The rectification of the summary of the order in Form GST DRC-07 has been issued on 25.06.2026.

3. At this stage, learned counsel for the petitioner seeks liberty to assail the order-in-original, as it also imposes penalty.

4. The prayer has been opposed by the learned Standing Counsel for CBIC. He has taken a plea that the petitioner had suppressed the fact relating to its voluntary payment of the tax along with interest and penalty raised in the GST Audit Spot Memo dated 25.04.2024. The petitioner had also furnished its reply to the show-cause notice stating that except point No.4, on which ITC has been reversed to the extent of tax liability, remaining tax, interest and penalty were paid and the same was mentioned in the final audit report. This was also not brought to the notice of this Court. Therefore, liberty to prefer an appeal may not be granted.

5. We have considered the submissions of learned counsel for the parties.

6. The main grievance relating to discrepancy in the order-in-original and the summary of the order in Form GST DRC-07 had been rectified during pendency of this Writ Petition. The order-in-original besides imposing tax and interest has also imposed penalty in terms of Sections 74 and 122(2)(b) of the Central Goods and Services Tax Act, 2017 (for short, 'the Act'), on the demands. The petitioner's plea that extended provisions of Section 74 of the Act could not have been invoked was rejected by the Proper Officer.

7. In view of the findings rendered in the order-in-original, which also covers penalty under Section 122(2)(a) of the Act, we are of the view that the petitioner may have liberty to approach the appellate authority by filing an appeal along with a delay condonation application and statutory pre-deposit within a period of two weeks. Needless to say, the petitioner may take all such grounds of law and facts in the memo of appeal as are available to it. If the appellate authority is satisfied on the point of delay, it may proceed to decide the

appeal on merits in accordance with law. We have, however, not expressed any opinion on the merits of the case of the parties.

8. The Writ Petition is disposed of with the aforesaid liberty. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- AHMED ABDULLAH KHAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Union of India Represented by its Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi- 110001.
2. The Commissioner of Customs and Central Tax, Ranga Reddy GST Commissionerate, GST Bhavanm H.No.1-98/7/43, VIP Hills, Jai Hind Enclave, Madhapur, Hyderabad- 500081.
3. The Assistant Commissioner of Customs and Central Tax, Nagole CGST Division, 1st Floor, Sai Balaji Arcade, 2-3-908, Plot No.183 and 184, Sy.No.92, Co-operative Bank Colony, Nagole, Hyderabad- 500068.
4. The Superintendent of Central Tax, Nagole CGST Division, 1st Floor, Sai Balaji Arcade, 2-3-908, Plot No.183 and 184, Sy.No.92, Co-operative Bank Colony, Nagole, Hyderabad- 500068.
5. One CC to SRI. PUPPALA BHARATH NANDAN Advocate [OPUC]
6. One CC to Ms. A L BHARADWAJINI, Advocate [OPUC]
7. One CC to SRI. R SUSHANTH REDDY (SC FOR CBIC) [OPUC]
8. Two CD Copies

Bm
TKS

HIGH COURT

DATED: 01/07/2026

ORDER
WP.No.4332 of 2026

HIGH COURT FOR THE STATE OF TELANGANA
21 JUL 2026
★ DESPATCHED ★

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(10) NT
13/7/26.