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

TUESDAY, THE TWENTY 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: 23130 OF 2026

Between:

M/s RAHUL TYRES, GSTIN. 36AAGFR1091J1Z2 46, 47, MBC Complex, Raichur Road, Mahabubnagar, Telangana - 509001 Represented by Partner Songala Srinivas Reddy, S/o Songala Dasaratha Reddy, aged about 58 years, occupation. Business, having an address at 2-1-13/14, Kommu Geri, near Venkateswara Theatre, Mahabubnagar, Telangana-509001

...PETITIONER

AND

1. The Union of India, rep. by its Secretary, Department of Revenue, North Block, New Delhi.
2. The Chief Commissioner of Central Tax, Hyderabad Zone.
3. The Principal Commissioner of Central Tax, Hyderabad.
4. The Assistant Commissioner of Central Tax, Mahaboobnagar Division, Hyderabad.

...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, order, or direction, setting aside the impugned unsigned and unserved order in Form DRC-07 Reference No. D360124029780L dated 24-01-2024 along with the adjudication order (attachment) dated 06-12-2023 issued for FY 2017-18 by Respondent No. 4, as being without jurisdiction, unsigned, arbitrary, illegal, void, and in violation of Sections 74, 75, Rule 26, Rule 142, and Section 169 of the CGST/TSGST Act.

Declare that the unsigned DRC-07 along with the order on the portal is not a valid order in the eyes of the law and cannot constitute a basis for tax demand or recovery.

Declare that the non-issuance of DRC-01A, DRC-01 along with the Notice, and non-compliance with the principles of natural justice by not providing an opportunity to be heard in person, render the DRC-07, despite being unsigned, unsustainable before the court of law.

Declare that, in the absence of issuance of the SCN and invalid service of the adjudication order, the Respondents are not entitled to initiate recovery proceedings, including proposed bank attachment.

Quash the impugned DRC-07 and the consequential recovery actions, and direct the Respondents to undertake fresh adjudication by issuing properly authenticated notices and granting a personal hearing in the interest of justice,

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 of the order in Form DRC-07 Reference No. ZD360124029780L dated 24-01-2024 along with the adjudication order (attachment) dated 06-12-2023 issued for FY 2017-18 in the interest of justice, pending disposal of this writ petition.

Counsel for the Petitioner: SRI M.UMASHANKAR
Counsel for the Respondent No.1: SRI N.BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA
Counsel for the Respondent Nos.2 TO 4: SRI DOMINIC FERNANDES, SENIOR 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.23130 of 2026

DATED : 21.07.2026

Between:

M/s. Rahul Tyres

... Petitioner

AND

The Union of India, Department of Revenue,
New Delhi, and three others

... Respondents

ORDER:

Mr. M. Uma Shankar, learned counsel appears for petitioner.

Mr. Dominic Fernandes, learned Senior Standing Counsel for Central Board of Indirect Taxes and Customs appears for respondent Nos.2 to 4.

2. The order-in-original dated 06.12.2023 along with summary of the order in Form GST DRC-07 dated 24.01.2024 for the tax period 2017-18 passed under Section 74 of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as, "the CGST Act"), imposing tax, interest and penalty on the petitioner, is under challenge in this writ petition.

3. However, after some arguments, learned counsel for the petitioner seeks liberty to the petitioner to prefer an appeal against the impugned order. He submits that some delay might have been occurred in approaching the appellate authority and therefore, it may be directed to consider it sympathetically.

4. Learned counsel for the respondent Department submits that the petitioner is at liberty to prefer an appeal against the impugned order taking all the grounds as are available in law and on facts before the appellate authority in respect of the subject tax period.

5. However, upon hearing the learned counsel for the parties, since the petitioner seeks liberty to prefer an appeal, we do not wish to comment on the merits of the contentions raised by the parties.

6. Therefore, we grant liberty to the petitioner to prefer an appeal against the impugned order, within a period of two weeks with statutory pre-deposit and a delay condonation application. The petitioner may take all such grounds of law and on facts, in the memo of appeal as are available to it. Needless to say, the appellate authority would consider the question of delay taking into account the aforesaid facts and circumstances and if it is satisfied on the point of delay, proceed to decide the appeal on merits in accordance with law.

7. Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/- A .JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Union of India, Department of Revenue, North Block, New Delhi.
2. The Chief Commissioner of Central Tax, Hyderabad Zone.
3. The Principal Commissioner of Central Tax, Hyderabad.
4. The Assistant Commissioner of Central Tax, Mahaboobnagar Division, Hyderabad.
5. One CC to SRI M.UMASHANKAR, Advocate [OPUC]
6. One CC to SRI N.BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA [OPUC]
7. One CC to SRI DOMINIC FERNANDES, SENIOR SC FOR CBIC [OPUC]
8. Two CD Copies

PSK.
TKS

HIGH COURT

DATED: 21/07/2026

ORDER
WP.No.23130 of 2026

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS.

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12/8/26