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

THURSDAY, THE THIRTIETH 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: 24370 OF 2026

Between:

M/s. Sri Laxmi Venkatramana Constructions, 2nd Floor, Plot No.707,708 and 709, Fortune Monarch Mall, Road No.36, Jubilee Hills, Hyderabad, Telangana - 500 033, represented by its Partner. Sri.Ramakrishna Udupa, Age 50 years.

.....PETITIONER

AND

1. The Assistant Commissioner (ST), Jubilee Hills - III Circle, Hyderabad.
2. The Deputy Commissioner (ST) - 5, Enforcement Wing - 2, Office of the Commissioner (ST), Enforcement Wing - 2, 3rd Floor, CT Complex. Nampally Hyderabad -500 001.
3. The State of Telangana, represented by its Secretary Government, Housing (RH and CAI) Department, Telangana Secretariat Hyderabad.
4. The State of Telangana, represented by its Principal Secretary, Public Health and Municipal Engineering Department, Telangana Secretariat, Hyderabad.
5. The Superintending Engineer, Public Health and Municipal Engineering Department, Government Of Telangana, West Circle, A.C. Guards. Hyderabad - 500 004.
6. Telangana State Housing Corporation Limited, represented by its Chairman and Managing Director. 3-6-184, Himayath Nagar, Hyderabad - 500 029.
7. The State of Telangana, represented by its Principal Secretary, Finance Department, Telangana Secretariat, Hyderabad.
8. The State of Telangana, represented by its Principal Secretary, Revenue Department (Commercial Taxes), Telangana Secretariat, 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 or order or direction particularly one in the nature of Writ of Mandamus setting aside the impugned demand of tax, interest and penalty arising in pursuance of the assessment order passed by the second respondent in attachment to the Form GST DRC-07, dated 16.03.2026, in ARN No.AD360325007779T, read with summary of the Order in Form GST DRC - 07, dated 16.03.2026, in Ref No.ZD360326037031 U. passed under Section 74 of the TGST Act 2017 / CGST Act 2017, for the tax period 2017-18, and direct the third to seventh respondents herein to remit the component of GST form 01.07.2017 to March 2018, arising in pursuance of the attachment to the Form GST DRC-07, dated 16.03.2026, in ARN No.AD360325007779T, read with summary of the Order in Form GST DRC - 07, dated 16.03.2026, in Ref No.ZD360326037031 U, in respect of contracts executed by the petitioner to the third and seventh respondents herein in terms of G.O.Ms.No.67 Irrigation and CAD (Reforms) Department dated 04.07.2018.

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 pending disposal of the writ petition grant stay of all further proceedings arising in pursuance of the attachment to the Form GST DRC-07, dated 16.03.2026, in ARN No.AD360325007779T, read with summary of the Order in Form GST DRC — 07, dated 16.03.2026, in Ref No.ZD360326037031U, passed under Section 74 of the TGST Act 2017 / CGST Act 2017, for the tax period 2017-18 in respect of contracts being carried out by the petitioner to the third to seventh respondents herein.

Counsel for the Petitioner : SRI S.SURI BABU

Counsel for the Respondent Nos.1, 2 & 8 : SRI SWAROOP OORILLA, SPECIAL GOVT PLEADER FOR STATE TAX

Counsel for the Respondent No.3 : G.P FOR HOUSING

Counsel for the Respondent Nos.4 & 5 : G.P FOR PUBLIC AND HEALTH

Counsel for the Respondent No.6 : SRI M.KIRAN KUMAR REDDY

Counsel for the Respondent No.7 : SRI MOHAMMED HUSSAIN, G.P FOR FINANCE AND PLANNING

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

<u>THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH</u>

<u>AND</u>

<u>THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN</u>

<u>WRIT PETITION No.24370 of 2026</u>

DATED: 30.07.2026

Between:

M/s. Sri Laxmi Venkatramana Constructions

... Petitioner

AND

The Assistant Commissioner (ST)
Jubilee Hills – III Circle,
Hyderabad & 7 others

... Respondents

<u>ORDER</u>:

Heard Mr. S.Suri Babu, learned counsel appearing for the petitioner through video conference, Mr. Swaroop Oorilla, learned Special Government Pleader for State Tax, appearing for respondent Nos.1, 2 and 8 and Mr. Mohammed Hussain, learned Government Pleader for Finance and Planning, appearing for respondent No.7.

2. The writ petition has been preferred with the following prayer:

> "For the aforesaid reasons, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ or order or direction particularly one in the nature of Writ of Mandamus setting aside the impugned demand of tax, interest and penalty arising in pursuance of the assessment order passed by the second respondent in attachment to the Form GST DRC-07, dated 16.03.2026, in ARN No.AD360325007779T, read with summary of the

> Order in Form GST DRC 07, dated 16.03.2026, in Ref No.ZD360326037031U, passed under Section 74 of the TGST Act 2017/CGST Act 2017, for the tax period 2017-18, and direct the third to seventh respondents herein to remit the component of GST from 01.07.2017 to March 2018, arising in pursuance of the attachment to the Form GST DRC-07, dated 16.03.2026, in ARN No. AD360325007779T, read with summary of the Order in Form GST DRC-07, dated 16.03.2026, in Ref No. ZD360326037031U, in respect of contracts executed by the petitioner to the third and seventh respondents herein in terms of G.O.Ms.No.67 Irrigation and CAD (Reforms) Department dated 04.07.2018, or to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. Learned counsel for the petitioner has repeatedly submitted that the non-reimbursement of the differential rate of tax upon introduction of the Goods and Services Tax (GST) regime in an existing contract under the Value Added Tax (VAT) regime has caused unnecessary imposition of tax liability upon the petitioner in an adjudication proceeding relatable to the financial year 2017-18 under Section 74 of the Telangana Goods and Services Tax Act, 2017/Central Goods and Services Tax Act, 2017 (hereinafter referred to as 'the TGST Act/CGST Act'). Therefore, petitioner has preferred the instant writ petition challenging the adjudication order and the summary of the order in GST DRC-07 dated 16.03.2026 and also sought remittance of the component of GST for the period 01.07.2017 to March, 2018 covering the same period.

4. Learned Special Government Pleader for State Tax has pointed out to the findings and conclusion of the Assessing Authority in the impugned order and submitted that the contractual arrangement between the tax payer and the Government Department regarding reimbursement of GST are outside the purview of the GST adjudication and cannot affect the statutory liability under

the TGST Act/CGST Act. He submits that the petitioner should avail the remedy of appeal instead of raising its grievance against the adjudication order with the additional prayer for reimbursement of the component of GST from the respondent Department, which may be a separate and independent cause of action.

5. After some arguments, therefore, learned counsel for the petitioner, seeks permission of this Court to withdraw this writ petition in order to pursue the appellate remedy against the order-in-original dated 16.03.2026 with statutory pre-deposit and delay condonation application, if required. He also seeks liberty to pursue the cause of action relating to non-reimbursement of differential rate of tax under the GST regime for the aforesaid period in an independent proceeding.

6. Both the liberties, as prayed for, are allowed.

7. The petitioner may prefer an appeal 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 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.

8. The Writ Petition is, accordingly, disposed of with the aforesaid liberty. There shall be 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 Assistant Commissioner (ST), Jubilee Hills - III Circle, Hyderabad.
2. The Deputy Commissioner (ST) - 5, Enforcement Wing - 2, Office of the Commissioner (ST), Enforcement Wing - 2, 3rd Floor, CT Complex. Nampally Hyderabad -500 001.
3. The Secretary Government, Housing (RH and CAI) Department, Telangana Secretariat State of Telangana at Hyderabad.
4. The Principal Secretary, Public Health and Municipal Engineering Department, Telangana Secretariat, State of Telangana at Hyderabad.
5. The Superintending Engineer, Public Health and Municipal Engineering Department, Government Of Telangana, West Circle, A.C. Guards. Hyderabad - 500 004.
6. The Chairman and Managing Director, Telangana State Housing Corporation Limited, 3-6-184, Himayath Nagar, Hyderabad - 500 029.
7. The Principal Secretary, Finance Department, Telangana Secretariat, State of Telangana at Hyderabad.
8. The Principal Secretary, Revenue Department (Commercial Taxes), Telangana Secretariat, State of Telangana at Hyderabad.
9. Two CC's to G.P FOR FINANCE AND PLANNING, High Court for the State of Telangana at Hyderabad. (OUT)
10. Two CC's to G.P FOR PUBLIC AND HEALTH, High Court for the State of Telangana at Hyderabad. (OUT)
11. Two CC's to G.P FOR HOUSING, High Court for the State of Telangana at Hyderabad. (OUT)
12. One CC to SRI S.SURI BABU, Advocate [OPUC]
13. One CC to SRI M.KIRAN KUMAR REDDY, Advocate (OPUC)
14. One CC to SRI SWAROOP OORILLA, SPECIAL GOVT PLEADER FOR STATE TAX, Advocate [OPUC]
15. Two CD Copies

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TKS

HIGH COURT

DATED: 30/07/2026

ORDER

WP.No.24370 of 2026

DISPOSING OF THE W.P

WITHOUT COSTS.

20 copies

14/8/26