[3529]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO
AND
THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 10279 OF 2026

Between:

M/s. Sri Satya Sai Constructions, Represented by Shri Chekuri Krishnam Raju, Its Managing Partner, D. No-50-97-12, Sri Satya Sai Nilayam, Behind SFS School, Seethammadhara, Visakhapatnam - 530 013

Petitioner

AND

1. The Principal Commissioner of Central Tax, Visakhapatnam CGST Commissionerate, GST Bhavan, Port Area, Visakhapatnam - 530 035.

2. The Additional Director General DGGI, Visakhapatnam Zonal Unit, Door No. 28-14-17, Suryabaghm, Besides Melody Theatre, Visakhapatnam 530 020.

3. Union of India, Department of Revenue, Represented by its Secretary (Revenue), North Block, New Delhi 110 001.

4. The Chief Engineer, Visakhapatnam Metropolitan Region Development Authority, Previously known as Visakhapatnam Urban Development Authority (VUDA), 8th Floor, VUDA Udyog Bhavan, Siripuram Junction, Visakhapatnam, Andhra Pradesh, 530003

5. Andhra Pradesh State Police Housing Corporation Limited, C-602, 6th & 7th Floor, Prime Hill crest, Vaddeswaram, Mangalagiri, Guntur, Andhra Pradesh,522502

6. Andhra Pradesh Medical Infrastructure Development Corporation, Plot No.9, Survey No. 49, 3rd floor, IT Park, Mangalgiri, Guntur District - 522503.

7. Telangana State Medical Infrastructure Development Corporation, 2nd Floor, DM and HS Campus, Sultan Bazaar, Koti, Hyderabad - 500 095.

8. Andhra Pradesh Tourism Development Corporation Limited, Visakhapatnam, V M R D A Building, 3rd Floor, Siripuram, Visakhapatnam - 530 003.

Respondents

Petition under Article 226 of the Constitution of India, is filed praying that in the circumstances stated in the affidavit filed therewith,

a. the High Court may be pleased to issue a writ of mandamus or any other writ, direction or order holding that the proceedings of the 1st Respondent in Order in Original No. VSP-EXCUS-COM-008-25-26 dated 22.08.2025 are time-barred in terms of Section 73(4B) of Chapter V of the Finance Tax Act, 1994, and are without jurisdiction, arbitrary, unreasonable, barred by limitation and set aside the same.

b. The Hon'ble Court may be pleased to issue a writ of mandamus or any other writ, direction or order holding that the proceedings of the 1st Respondent in Order in Original No. VSP-EXCUS-COM-008-25-26 dated 22.08.2025 to the extent demand of Service Tax confirmed are without jurisdiction as the Service Tax was exempted in terms of Serial No. 12A(a) and (b) of Exemption Notification No. 25/2012-dated 20.06.2012, and set aside the same as it is a violation of Article 265, 19(1)(g) and Article 14 of the Constitution;

c. Alternatively, if the Honble Court holds that the Service Tax Demand confirmed in the impugned order is valid, the Hon'ble Court may be pleased to direct the 4th, 5th, 6th, 7th, and 8th Respondents to reimburse the Service Tax amount along with applicable interest, as levied by the 1st Respondent in respect of the works executed by Petitioner to them;

IA NO: 1 OF 2026

Petition under Section 151 CPC., is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the operation of the proceedings of the 1st Respondent in Order in Original No. VSP-EXCUS-COM-008-25-26 dated 22.08.2025, in the interest of justice;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. ANIL KUMAR BEZAWADA, Advocate for the Petitioner and of Smt. SANTHI CHANDRA, STANDING COUNSEL, for the Respondents;

The Court made the following ORDER:

Sri P. Girish Kumar, learned Senior Counsel appearing for the learned counsel for the petitioner has raised the question of limitation on the ground that the period of one year, granted under Section 73 (4B) of the Finance Act, 1994, had expired by the time the impugned order came to be passed.

Smt. Santhi Chandra, learned Standing Counsel appearing for the respondents, on the other hand, would contend that the period of one year, set under in the above provision, is not a mandatory provision, in view of the language of the provision, which shows that the period set out in the said provision applies "wherever it is possible".

The learned Senior Counsel, in reply, would contend that this issue had been considered by the Hon'ble High Court of Jharkhand as well as

the Hon'ble High Court of Patna, wherein it was held that the period is not mandatory and relaxation could be given where the Assessing Officer explains that there was a delay beyond one year.

It also appears that this issue is already before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court had observed that it would be appropriate that such matters are deferred whenever they come up in the High Courts so that the Hon'ble Supreme Court could quitus the whole issue by passing an order at an appropriate time.

In these circumstances, this matter is deferred and needs to be heard only after the decision of the Hon'ble Supreme Court is pronounced.

In the meanwhile, in view of the fact that the Hon'ble High Court of Jharkhand and Hon'ble High Court of Patna have held in favour of the petitioner, it would be appropriate that there is a stay of recovery of taxes and other dues, raised under the impugned order, subject to the condition of the petitioner depositing 7.5% of the disputed tax, within a period of six (06) weeks.

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Commissioner of Central Tax, Visakhapatnam CGST Commissionerate, GST Bhavan, Port Area, Visakhapatnam - 530 035.
2. The Additional Director General DGGI, Visakhapatnam Zonal Unit, Door No. 28-14-17, Suryabaghm, Besides Melody Theatre, Visakhapatnam 530 020.
3. The Secretary (Revenue), Union of India, Department of Revenue, North Block, New Delhi 110 001.

4. The Chief Engineer, Visakhapatnam Metropolitan Region Development Authority, Previously known as Visakhapatnam Urban Development Authority (VUDA), 8th Floor, VUDA Udyog Bhavan, Siripuram Junction, Visakhapatnam, Andhra Pradesh, 530003

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8. Andhra Pradesh Tourism Development Corporation Limited, Visakhapatnam, V M R D A Building, 3rd Floor, Siripuram, Visakhapatnam - 530 003. (Addressee Nos.1 to 8 BY RPAD)
9. One CC to Sri. ANIL KUMAR BEZAWADA, Advocate [OPUC]

10. One CC to Smt. SANTHI CHANDRA, STANDING COUNSEL [OPUC]

11. Two Spare Copies

JSS

HIGH COURT

RRR, J
&
TCDS, J

DATED:22/04/2026

ORDER

WP.No.10279 of 2026

STAY