APHC010243552022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3529]**
(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 15222/2022

Between:

1. M/S KRISHNA SAI EXPORTS, PLOT.NO.28,BP SEZ, ANNANGI VILLAGE, GUNDLAPALLI, PRAKASAM DISTRICT-523 211.

...PETITIONER

AND

1. THE DEPUTY COMMISSIONER OF CENTRAL TAX, NELLORE CGST DIVISION, D.NO.24-7-48, ANNAMAIAH CIRCLE, MSR LAYOUT, MINIBYPASS ROAD, SPSR NELLORE DIST.

2. THE CHIEF COMMISSIONER OF CUSTOMS AND CENTRAL TAX, VISHAKAPATNAM ZONE, GST BHAVAN, PORT AREA, VISAKAPATNAM.

3. UNION OF INDIA, REP BY ITS PRINCIPAL SECRETARY, MINISTRY OF FINANCE, 3RD FLOOR, JEEVAN DEEP BUILDING, SANSAD MARG-NEW DELHI-110001.

4. GOODS AND SERVICE TAX COUNCIL, 5TH 11 FLOOR, TOWER-II, JEEVAN BHARATHI BUILDING, JANPATH ROAD, CONNAUGHT PALACE, NEW DELHI-110001.

...RESPONDENT(S):

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 toto issue any order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ or order declaring the

Proceedings of the 1St respondent, in form GST RFD-06 dated 28.01.2019 (Annexure P-1) in passing the orders for rejection of Refund claim for the Tax period July-2017, without considering the objections filed through letter dated 17.01.2019 (Annexure P-2) with reference to the show cause notice dt 08.06.2018 in FORM-GST-RFD-08(Annexure P-3), as arbitrary, without jurisdiction, against to the principles of natural justice and contrary to the provisions of Rule 89 to 96 R/w Sec 54 of the Central Goods and Service Tax Act 2017, (herein after referred to as 'the Act')and pass

Counsel for the Petitioner:

1. .

Counsel for the Respondent(S):

1. GP FOR COMMERCIAL TAX
2. Y N VIVEKANANDA

The Court made the following Order:
(per Hon'ble Sri Justice R. Raghunandhan Rao)

Heard Sri K. Adi Siva Vara Prasad, learned counsel for the petitioner and Sri Y. N. Vivekananda, learned Standing Counsel appearing for the respondents.

2. The petitioner herein had established its manufacturing unit in SEZ area. However, the registration of the petitioner, under the Goods and Services Act, 2017 (herein referred to as the GST Act) did not reflect the status of the SEZ, due to which the petitioner ended up reimbursing the GST paid by its suppliers and the same resulted in levying applicable taxes to the petitioner. Similarly, the petitioner also ended up paying GST on turnovers which fell under Reverse charge mechanism.

3. The petitioner had filed an application, for refund of the tax paid due to the above reasons. The said application of the petitioner for refund under Section 54 of the GST Act, 2017 was rejected by the 1st respondent, in FORM GST RFD-06, dated 28.01.2019.

4. Aggrieved by the said order of rejection, the petitioner has approached this Court by way of the present writ petition.

5. The petitioner has raised various grounds on the merits of the case, and also on ground of violation of Principles of Natural Justice. It is the case of the petitioner that the order of rejection had been passed without considering the request filed by the petitioner and the said order of the rejection does not contain any reasons and the same is violative of Principles of Natural Justice.

6. A perusal of the order of rejection would show that, the order of rejection, passed by the respondent No.1, does not contain any reasons as to why the request of the petitioner for refund of tax had been rejected. The absence of reasons in such an order is a clear violation of Principles of Natural Justice, as the absence of reasons puts the petitioner at disadvantage. The absence of reasons would also indicate the fact that, the Authority had not applied its mind to the application of the petitioner.

7. For all these reasons, this writ petition is allowed, setting aside the order of rejection, dated 28.01.2019 and remanding the matter back to the 1^{st} respondent for proper consideration of the application of the petitioner, at the earliest and at any rate within one month from the date of receipt of this order.

8. Needless to say, this Court has not considered any of the issues raised by the petitioner and the same are left open.

9. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

R RAGHUNANDAN RAO, J

T.C.D.SEKHAR, J

Date: 17.02.2026.
JLSR