

**IN THE HIGH COURT FOR THE STATE OF TELANGANA,
AT HYDERABAD**

TUESDAY ,THE THIRTY FIRST DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

**:PRESENT:
THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 9308 OF 2026

Between:

M/s. Sri Laxminarasimha Industries, rep. by its Partner, Mr. Chennamaneni Chandra Shekhar Rao, 2-62/2, Nampalle, Vemulawada, Rajanna Sircilla, Telangana-505 302.

Petitioner

AND

1. Assistant Commissioner,, Office of the Assistant Commissioner of Central Tax, Karimnagar CGST Division, Medchal Commissionerate, 2 nd Floor, D.No.8-7-296/1, Hanumannagar (Ganesh Nagar), Karimnagar-505 001.
2. Assistant Commissioner, Circle VIII, Office of the Commissioner of Central Tax (Audit-II) Commissionerate, Door No.1-98/B/20, 21, Sanvi Yamuna Pride, Krithika layout, Madhapur, Hitech City, Hyderabad-500 081
3. Superintendent of Central Taxes, Group 84, Office of the Commissioner of Central Tax (Audit-II) Commissionerate, Door No.1-98/B/20, 21, Sanvi Yamuna Pride, Krithika layout, Madhapur, Hitech City, Hyderabad-500 081
4. State of Telangana, rep by its Principal Secretary to Government, Revenue (CT-II) Department, Secretariat, Hyderabad.
5. Union of India, rep. by its Principal Secretary, Government of India, Ministry of Finance, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi-110 001.
6. Goods and Service Tax Council, rep. by its Secretary, GST Council Secretariat, 4th Floor, Tower-II, Jeevan Bharti Building, Janpath Road, Connaught Place, New Delhi-110 001.

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 or order or direction setting aside the Order-in-Original dated 9/12/2025 passed by the 1st Respondent levying tax and penalty of Rs.1,81,29,209/- under Section 73 and 74 read with

Section 9(3) of the Central Goods and Services Tax Act, 2017 for the years 2017-18 to 2023-24 as being illegal, without jurisdiction, barred by limitation and contrary to the law laid down by the Hon'ble Courts on the concept of Revenue Neutrality.

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to grant stay of all further proceedings pursuant to the impugned order dated 9/12/2025 passed by the 1 st Respondent for the years 2017 18 to 2023-24 under the Central Goods and Services Tax Act, 2017, pending disposal of WP 9308 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI K P AMARNATH REDDY Advocate for the Petitioner, Mr. Dominic Fernandes, learned Senior Standing Counsel for Central Board of Indirect Taxes and Customs (CBIC) for respondent Nos.1 to 3 and 6, Mr. Swaroop Oorilla, learned Special Government Pleader for State Tax for respondent No.4 and Mr. N.Bhujanga Rao, learned Deputy Solicitor General of India for respondent No.5, the Court made the following.

ORDER

Mr. K.P.Amarnath Reddy, learned counsel appears for the petitioner.

Mr. Dominic Fernandes, learned Senior Standing Counsel for Central Board of Indirect Taxes and Customs (CBIC) appears for respondent Nos.1 to 3 and 6.

Mr. Swaroop Oorilla, learned Special Government Pleader for State Tax appears for respondent No.4.

Mr. N.Bhujanga Rao, learned Deputy Solicitor General of India appears for respondent No.5.

The impugned order-in-original dated 09.12.2025 passed by respondent No.1 imposing tax, interest and penalty for a composite period 2017-18 to 2023-24 is under challenge also on the ground that the Proper Officer has invoked both the provisions of Sections 73 and 74 of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as 'the CGST Act'), which require different ingredients to be satisfied.

It is submitted that the Proper Officer has invoked Section 74 of the CGST Act for the purposes of having the benefit of extended period of limitation for the years 2018-19 to 2020-21. It is submitted that similar challenge to a composite proceeding both under Sections 73 and 74 of the

CGST Act is pending before this Court in W.P.No.894 of 2026 where interim stay on impugned demand has also been ordered. Therefore, same interim order may be passed in favour of the petitioner, pending decision in the writ petition.

Learned Senior Standing Counsel for CBIC is allowed time to seek instructions and file counter affidavit within two weeks.

Petitioner may also in the meantime file reply affidavit to the counter affidavit.

List this case along with W.P.No.894 of 2026 on 27.04.2026.

In the meantime, there shall be stay on the impugned demand.

SD/- L VIJAYA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. Assistant Commissioner, Office of the Assistant Commissioner of Central Tax, Karimnagar CGST Division, Medchal Commissionerate, 2 nd Floor, D.No.8-7-296/1, Hanumannagar (Ganesh Nagar), Karimnagar-505 001. (by SPAD)
2. Assistant Commissioner, Circle VIII, Office of the Commissioner of Central Tax (Audit-II) Commissionerate, Door No.1-98/B/20, 21, Sanvi Yamuna Pride, Krithika layout, Madhapur, Hitech City, Hyderabad-500 081 (by SPAD)
3. Superintendent of Central Taxes, Group 84, Office of the Commissioner of Central Tax (Audit-II) Commissionerate, Door No.1-98/B/20, 21, Sanvi Yamuna Pride, Krithika layout, Madhapur, Hitech City, Hyderabad-500 081 (by SPAD)
4. The Principal Secretary to Government, Revenue (CT-II) Department, State of Telangana, Secretariat, Hyderabad. (by SPAD)
5. The Principal Secretary, Government of India, Ministry of Finance, 3rd Floor, Jeevan Deep Building, Sansad Marg, Union of India, New Delhi-110 001. (by SPAD)
6. The Secretary, Goods and Service Tax Council, GST Council Secretariat, 4th Floor, Tower-II, Jeevan Bharti Building, Janpath Road, Connaught Place, New Delhi-110 001. (by SPAD)
7. One CC to SRI. K P AMARNATH REDDY Advocate [OPUC]
8. One CC to SRI. N BHUJANGA RAO Deputy Solicitor General of India Advocate [OPUC]
9. Two CCs to SPECIAL GP FOR STATE TAX, High Court at Hyderabad[OUT]
10. The Section Officer, Writ (DB), High Court at Hyderabad.
11. One spare copy

HIGH COURT

**HCJ
&
GMMJ**

DATED:31/03/2026

List this along with W.P. No. 894 of 2026 on 27.04.2026

ORDER

WP.No.9308 of 2026

INTERIM STAY

