HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE K.LAKSHMAN
AND
THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO
WP NO: 14931 OF 2026

Between

Megha Engineering and Infrastructure Ltd., S-2, Technocrat Industrial Estate, Balanagar, Hyderabad - 500037. Represented by Authorised Signatory, Mr. Mamidi Prasada Rao.

.....PETITIONER

AND

1. Commissioner of Customs and Central Tax, Appeals-II Commissionerate, 7th Floor, GST Bhavan, L.B.Stadium Road, Basheerbagh, Hyderabad, Telangana-500004.
2. Central Board of Indirect Taxes and Customs, Department of Revenue, Ministry of Finance, Through the Principal Commissioner, GST, North Block, Central Secretariat, New Delhi-110001.
3. GST Council, 5th Floor, Tower II, Jeevan Bharti Building, Janpath Road, Connaught Place, New Delhi-I 10001.
4. Union of India, Through the Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi - 110001.
5. State of Telangana, Department of Irrigation, Represented by its Principal Secretary, Secretariat, Hyderabad - 500022.

.....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 appropriate Writ(s), Direction(s), or Order(s), more particularly in the nature of Writ of Mandamus,

a.Declaring the Impugned Order-in-Appeal No. HYD-GST-MD-AP2-427-24-25 dated 31 January 2025 issued by Respondent No.1 as being unconstitutional and ultra vires the provisions of the Central Goods and Services Tax Act, 2017 and the corresponding Telangana Goods and Services Tax Act, 2017 and consequently set aside the same.

b.Alternatively, declaring the Entry 17(viii) under Notification No. 11/2017 dated 28 June 2017 as amended from time to time, read with Entry 257 of the Annexure thereto and the corresponding State Notification No 11/2017 - State Tax (Rate) dated 29 June 2017 as being unconstitutional and ultra vires Section 7(1A) read with Schedule II of the Central Goods and Services Tax Act and the and the corresponding Telangana Goods and Services Tax Act, 2017;

c.Alternatively, declaring Circular No. 164/20/2021-GST dated 06 October 2021, more particularly at Sl. No. 9, as violative of Article 246A, and ultra vires the provisions of the Central Goods and Services Tax Act, 2017.

I.A. NO: 1 OF 2026

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Stay the legal validity and operation of the Order in Appeal No. HYD-GST-MD-AP2-427-24-25 dated 31 January 2025, issued by Respondent No.1, Pending disposal of WP No 14931 of 2026, on the file of the High Court.

I.A. NO: 2 OF 2026

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Direct Respondents not to take any further steps pursuant to the Order in Appeal No. HYD-GST-MD-AP2-427-24-25 dated 31 January 2025, issued by Respondent No.1, Pending disposal of WP No 14931 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 M/s P V Prasad Associates Advocate for the Petitioner, D Raghavendra Rao (sr Sc For Cbic) Advocate for the Respondents, and the Court made the following.

ORDER

Mr.Dominic Fernandes, learned Senior Standing Counsel for CBIC, accepts notice on behalf of respondent Nos.1 and 2 and seeks time to file counter.

In similar circumstances, a Division Bench of this Court, considering the fact that the issue of Service Tax on Royalty is pending in the Apex Court and the Apex Court directed all the High Courts not to proceed with the hearing of the matters wherein issue of Service Tax on Royalty is involved, adjourned W.P.No.32794 of 2023 and batch, *sine die* with a liberty to the parties to make a mention before the Court depending on the outcome of the Transfer Petitions pending before the Apex Court or in the event of any other development in those Transfer Petitions. Division Bench also granted interim stay.

In the light of the same and to maintain parity, petitioner is also entitled for the very same relief.

Therefore, this writ petition is adjourned *sine die* with a liberty to the petitioner to make a mention before this Court depending on the outcome of the Transfer Petitions before the Apex Court or in the event of any other development in those Transfer Petitions.

There shall be stay of all further proceedings pursuant to order in Appeal No.HYD-GST-MD-AP2-427-24-25, dated 31.01.2025, passed by respondent No.1,

Sd/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Commissioner of Customs and Central Tax, Appeals-II Commissionerate, 7th Floor, GST Bhavan, L.B.Stadium Road, Basheerbagh, Hyderabad, Telangana-500004.
2. The Principal Commissioner,Central Board of Indirect Taxes and Customs, Department of Revenue, Ministry of Finance, GST, North Block, Central Secretariat, New Delhi-110001.
3. GST Council, 5th Floor, Tower II, Jeevan Bharti Building, Janpath Road, Connaught Place, New Delhi-I 10001.
4. The Secretary, Union of India, Ministry of Finance, Department of Revenue, North Block, New Delhi - 110001.
5. The Principal Secretary, State of Telangana, Department of Irrigation, Secretariat, Hyderabad - 500022.[RR 1 to 5 By SPAD]
6. One CC to Sri. M/S P V PRASAD ASSOCIATES Advocate [OPUC]
7. One CC to Sri. D RAGHAVENDRA RAO (SR SC FOR CBIC) Advocate [OPUC]
8. Two CCs to GP FOR IRRIGATION ,High Court at Hyderabad. [OUT]
9. One spare copy

HIGH COURT

KL, J
&
BRMR, J

DATED: 01-05-2026

ORDER

WP.No.14931 of 2026

STAY