7

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

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

:PRESENT:

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

WP NO: 1483 OF 2026

Between:

Midwin Medical and General Stores, Represented by Its Proprietor, A. Kamalakar Reddy, S/o. A. Venkat Reddy Aged 58Years,O/o16-11-740/4A/7J, Gaddiannaram, Disukhnagar, Hyderabad.500036.

.....Petitioner

AND

1. The Assistant Commissioner (ST), Saroornagar-3 Circle, 9th Floor, Mayur Kushal Complex, Abids, Hyderabad-500001.

2. The Commissioner of Commercial Taxes (ST), State of Telangana, 1ST Floor, CCT Complex, Nampally, Hyderabad -500001.

3. The Additional Commissioner, Legal Telangana, 2nd Floor, CCT Complex, Nampally, Hyderabad.

4. The Joint Commissioner (ST), Charminar Division, 1 st Floor Gaganvihar, Nampally, Hyderabad.500001

5. The State of Telangana, rep by its Prl. Secretary to Revenue (CT) Department, Secretariat, Hyderabad

6. Union of India, Rep.by Ministry of Finance Dept of Revenue, CBIC Rep by its Secretary Go Government, New Delhi-110001

7. The Asst. Commissioner(ST), Malakpet-2 Circle, 9th Floor, Gaganvihar, Charminar Division, Hyderabad.

(R7 is impleaded as per court order dt. 20.04.2026 vide I.A. No. 2/2026 in W.P. No.1483 of 2026)

.....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 any Writ or Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st Respondent in Rectification Proceedings U/s 161 vide

Reference No.ZD360825018052L Dated 14/08/2025 arising out of OIO u/s 73 in DRC-07 dated 25/02/2025 for the year 2020-2021 with demand of Rs.19,90,176/-(CGST and SGST) issued under 'GST Act and rules made there under which is contrary to the principles of natural justice, in violation of the Apex Court orders, with Judicial Indiscipline, unconstitutional, unreasoned, illegal, arbitrary, capricious, without Jurisdiction or Authority and

(i) to set aside the impugned order and to

(ii) Declare that the delay in filing GST ITC-01 under Rule 40(1)(b) is Procedural and stands condoned

(iii) to hold that, the Petitioner is entitled to ITC on Opening Stock u/s 18(1)(c) (iii) to direct the Respondents 1 and 2 to grant the eligible ITC forthwith.

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 writ petition, the High Court may be pleased to grant stay of all further proceedings of recovery against Rectification Proceedings U/s 161 vide Reference No.ZD360825018052L Dated 14/08/2025 arising out of OIO u/s 73 in DRC-07 dated 25/02/2025 for the year 2020-2021 with demand of Rs.19,90,176/- (CGST and SGST) issued under 'GST Act and rules made there under, pending disposal of WP No 1483 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 T.S. MURTHY Advocate for the Petitioner, SRI K. SAI AKARSH, ASSISTANT GOVERNMENT PLEADER FOR SRI SWAROOP OORILLA, SPECIAL GOVERNMENT PLEADER FOR STATE TAX for the Respondents no. 1 to 5 and 7 and SRI N. BHUJANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA for the Respondent no.6, the Court made the following.

ORDER:

Sri T.S. Murthy, learned counsel appears for petitioner.

Sri K. Sai Akarsh, learned Assistant Government Pleader appears for Sri Swaroop Oorilla, learned Government Pleader for State Tax, for respondent Nos.1 to 5 and 7.

Counter-affidavit has not been filed in the matter despite time granted on 20.01.2026 and two adjournments thereafter. In the meanwhile, garnishee notice has been issued upon the bank *vide* FORM GST DRC 13 dated 09.02.2026.

Learned counsel for the petitioner however prays that pending adjudication, the garnishee notice may be stayed.

Two weeks' more is granted to the respondent department to file counter-affidavit.

Let the matter appear after two weeks.

In the meantime, no coercive steps be taken pursuant to the garnishee notice dated 09.02.2026

Sd/- L.VIJAYA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Assistant Commissioner (ST), Saroornagar-3Circle, 9th Floor, Mayur Kushal Complex, Abids, Hyderabad-500001.
2. The Commissioner of Commercial Taxes (ST), State of Telangana, 1ST Floor, CCT Complex, Nampally, Hyderabad -500001.
3. The Additional Commissioner, Legal Telangana,2 nd Floor, CCT Complex, Nampally, Hyderabad.
4. The Joint Commissioner (ST), Charminar Division,1 st Floor Gaganvihar, Nampally, Hyderabad.500001
5. The Prl. Secretary to Revenue (CT) Department, Secretariat, State of Telangana,, Hyderabad
6. The Secretary to Government, Ministry of Finance Dept of Revenue, CBIC Union of India, New Delhi-110001
7. The Asst. Commissioner(ST),, Malakpet-2 Circle, 9th Floor, Gaganvihar, Charminar Division, Hyderabad.
   (Addressees 1 to 7 BY SPAD)
8. One CC to SRI T.S. MURTHY Advocate [OPUC]
9. Two CCs to SPECIAL GP FOR STATE TAX, High Court for the State of Telangana at Hyderabad.[OUT]
10. Two spare copies.

HIGH COURT

HCJ
&
GMM, J

DATED: 20-04-2026

LET THE MATTER APPEAR AFTER TWO WEEKS.

ORDER

WP.No.1483 of 2026

DIRECTION