



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4057 of 2025

(Through hybrid mode)

**M/s. Mangala Associates Pvt. Ltd., ...
Keonjhar**

Petitioner

Represented By Adv. –
Mrs. Z.M. Wallace, Advocate

-versus-

**Deputy Commissioner, GST and
Central Excise, Rourkela**

Opp. Party

Represented By Adv.
Mr. A. Kedia, Jr. Standing Counsel

CORAM:

THE HON'BLE MR. JUSTICE ARINDAM SINHA,

ACTING CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE M.S. SAHOO

ORDER

04.03.2025

Order No.

01.

W.P. (C) no.4057 of 2025 and I.A. no.1988 of 2025

1. Mrs. Wallace, learned advocate virtually appears on behalf of petitioner and submits, assuming though not admitting that there could be allegation of suppression by her client, the determination of amount of service tax due was not made anywhere near within one year from



date of the notice. She submits, the facts are glaring for her to demonstrate that impossibility to determine within the time cannot be case of revenue. She relies on use of word 'shall' in sub-section (4B) under section 73 in Finance Act, 1994 to make her point.

2. She relies on **judgment dated 4th April, 2024** of a Division Bench in the High Court of Patna (**Civil Writ Jurisdiction Case no.18398 of 2023**) **M/s. Kanak Automobiles Pvt. Ltd. v. Union of India and others** (tiol print). We reproduce below paragraph-10 from the judgment.

“10. Here, we agree that it is not an absolute mandate that the proceedings should be completed within one year from the notice; but it requires the statutory authority to take all possible steps, so to do and conclude the proceedings within an year. No steps were taken in the entire one year period, which results in the frustration of the goal of expediency as required statutorily. We hence find that the proceedings cannot be continued.”

3. Mr. Kedia, learned advocate, Junior Standing Counsel appears on behalf of revenue. We require revenue to issue instruction for being heard on adjourned date. Mr. Kedia prays for two weeks.



4. List on 27th March, 2025. Impugned order dated 26th June, 2024 will remain stayed till next date of hearing.

(Arindam Sinha)
Acting Chief Justice

(M.S. Sahoo)
Judge

Sks

Signature Not Verified

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