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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.12 OF 2026

M/S. JSW STEEL LIMITED,
Having its registered office at
JSW Centre, Bandra Kurla Complex,
Bandra (East), Mumbai, Maharashtra – 400051
Represented by its Lawful Attorney,
Mr. Arindam Sinha,
Deputy General Manager - Legal,
having its office at JSW Centre, Bandra Kurla
Complex,
Bandra (East), Mumbai, Maharashtra - 400051

... PETITIONER.

~ VERSUS ~

1. . Union of India,
Through the Joint Secretary (Revenue),
Ministry of Finance, Department of
Revenue, Room No.46, North Block,
New Delhi-110001
2. The Central Board of Indirect Taxes &
Customs, Through the Chairman,
North Block, Central Secretariat,
New Delhi, Delhi-110001
3. The Commissioner of Customs, Goa
Customs House, Marmagoa
Goa – 403803
4. The Assistant Commissioner of Customs
(Gr. I) Customs House, Marmagoa,
Goa - 403803

...RESPONDENTS.

APPEARANCES:

for the Petitioner	Mr. Rohan Shah, Senior Advocate with Mr. Parag Rao, Mr. Kumar Visalaksh (thorough VC) Mr. Arihant Tater, Mr. Akhil Parrikar, Mr. Shulin Singbal, Mr. Ashwin Shantharam (through VC), and Ms V. Mahanto, Advocates
for Respondent No.1	Mr. Pravin Faldessai, Deputy Solicitor General of India
for Respondent No.3 and 4	Ms. Priyanka Kamat, Standing Counsel

**CORAM : SUMAN SHYAM &
AMIT S. JAMSANDEKAR, J J.**

RESERVED ON : 10th February 2026
PRONOUNCED ON : 17th February 2026

JUDGMENT (PER AMIT S . JAMSANDEKAR, J)

1. Heard Mr. Shah, the Learned Senior Counsel appearing for the Petitioner.
2. Rule. The service is waived by Mr. Faldessai, the Learned Deputy Solicitor General, on behalf of the 1st Respondent and Ms. Kamat on behalf of the 3rd and 4th Respondent. The Rule made returnable forthwith, and by consent of the parties the petition is heard finally.
3. The Petitioner is before this Court, *inter alia*, on the ground that a technical glitch in the ICEGATE portal is preventing their ability to make payments of IGST. The Petitioner seeks a *Writ of Mandamus, inter*

alia, directing the authorities to address this technical glitch in the ICEGATE portal. The Petitioner has prayed for the following substantive reliefs:

“a. Issue a writ of certiorari or any other appropriate writ, order or direction, quashing and settling aside the reassessment of three Bills of Entry (Nos. 5837032 dated 03.04.2018, 5933704 dated 11.04.2018 and 4337890 dated 11.12.2017) to the extent that they erroneously purport to levy or include any component of interest on the IGST demand;

b. Issue a writ of mandamus or any other appropriate writ, order or direction, directing Respondent No. 4 to rectify the reassessment of said Bills of Entry under section 154 of the Customs Act, 1962 as well as the errors in the ICEGATE portal, by excluding the interest component, and to generate fresh electronic challans on ICEGATE confined only in respect of IGST demand as confirmed in the Order-in-Original dated 02.04.2024;

c. Declare that the Petitioner is entitled to avail input tax credit of IGST so paid, in terms of the judgment of the Hon’ble Supreme Court in Cosmo Films Limited (supra) and Circular No. 16/2023-Cus. dated 07.06.2023”

4. In the present case, the Order-in-Original dated 02nd April 2024 clearly holds that no interest is payable. The Order-in-Original follows the judgment of this Court in ***Mahindra and Mahindra Vs. Union of India*** [(2023) 3 Centax 261 (Bom)], which has subsequently been upheld by the Supreme Court in ***Union of India Vs. Mahindra and Mahindra Ltd.***, [(2023) 9 Centax 361 (S.C.)]. The relevant extract of the Order-in-Original dated 02.04.2024 is set out below:

*“6.18 I find that the Noticee has claimed that no interest is payable on payment of amount equivalent to the IGST exemption availed by the Noticee. **They placed reliance on decision of Hon’ble Bombay High Court in***

case of Mahindra and Mahindra Vs. Union of India [(2023) 3 Centax 261 (Bom)] wherein it is held that that penalties or interest on additional customs duty (CVD) and special additional duty of customs (SAD), or surcharges, which are not intrinsically linked to the basic customs duty, cannot be imposed without explicit substantive provision. The said decision has been affirmed by Hon'ble Supreme Court in case of Union of India Versus Mahindra and Mahindra Ltd. [(2023) 9 Centax 361 (S.C.)].

....

6.22 I note that in terms of Article 141 of the Constitution of India all decisions of the Apex Court are binding on the lower authorities and in keeping with the judicial discipline cannot be ignored. I am of the considered opinion that the ratio decidendi of the judgment applies squarely to the imposition of interest on late payment of IGST, therefore, I refrain from imposing any interest as proposed in SCN.

....

*7. In view of the above, I pass the following order:
(c) I refrain from imposing interest under Section 28AA of the Customs Act, 1962, from them on such duty of Customs referred in (a) above;"*

(emphasis supplied)

5. It is submitted by Mr. Shah that while the adjudication order has clearly held that no interest is payable, a technical glitch in the ICEGATE systems is automatically computing the interest. This is contrary to the Order-in-Original dated 2nd April 2024. He submits that the assessee cannot be made to suffer due to the technical glitch in the system.
6. Ms. Priyanka Kamat, appearing for Respondent No. 2 to 4, has accepted that there is a technical glitch in the ICEGATE systems. The

system, while computing the payment of IGST, automatically computes the interest. There is no mechanism in the system to manually correct the problem that the Petitioner is facing. However, she submitted that the Petitioner should pay the interest and then claim refund of the same. She further submits that the Petitioner cannot claim any relief in the present proceedings because the department has challenged the order not to impose interest under Section 28AA of the Customs Act, 1962, and the appeal proceedings are pending. She also relies on a Circular No.27/2024-Customs dated 23rd December 2024 to oppose the present petition.

7. We have heard the Learned Counsels appearing for the parties and have perused the record and the Order-in-Original dated 2nd April 2024. By judgment of this Hon'ble Court in ***Larsen and Toubro Ltd. Vs Union of India & Others*** [2024 SCC OnLine Bom 3565] and the judgment of the Hon'ble Supreme Court in ***Shah Nanji Nagsi Exports Pvt. Limited vs UOI*** [2025 SCC Online SC 1798], it has been held that the substantive rights of assessee's cannot be denied on account of technical glitches.
8. The pendency of the department's appeal cannot be a ground for refusing to follow the Order-in-Original. The Petitioner cannot make payment of IGST, without interest, only because of the technical glitches. As held by the Hon'ble Supreme Court in ***Shah Nanji Nagsi Exports Pvt. Limited*** (*supra*) and by this Court in ***Larsen and Toubro Ltd.*** (*supra*), the substantive rights of assessee's cannot be denied on account of technical glitches. In both judgments, the concerned authorities have been directed to resolve the technical

glitches in the ICEGATE systems in a time bond manner so as to ensure that the assesses are not denied their rights and are not driven to litigation. However, it appears that the authorities have not solved the technical glitches so far. The time limit granted by the Court to resolve the technical glitches has also since expired. The Circular dated 23rd December 2024 does not solve the problem faced by the Petitioner. In any case, in view of the directions given by the Hon'ble Supreme Court and this Court, the Respondent cannot oppose this petition on the basis of the Circular dated 23rd December 2024.

9. Therefore, to address the issue practically, we direct that the Petitioner shall make payment of IGST of Rs. 4,04,83,583/- by way of a demand draft to be paid within two weeks from today. Such payment once made, will be treated as if it were a payment via the ICEGATE portal and all consequential benefits, as available in law, will flow to the Petitioner. All relevant authorities are ordered and directed to ensure that all consequential benefits available in law are extended to the Petitioner after the payment of IGST, by way of a Demand Draft, as directed above.
10. The Rule is made absolute in the above terms, and the present petition is disposed of.
11. However, there shall be no order as to cost.

[AMIT S. JAMSANDEKAR, J.]

[SUMAN SHYAM, J.]