IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

W.P.NO.25826 of 2018

Date: 25-10-2018

#Between:

M/s. Sri Srinivasa Chemicals,
D.No.13-2-197, Srinivasa Complex,
Railways Station Road, Macherla – 522
Rep. by its Proprietor,
Sri Vunnam Ramachandraiah,
S/o. Janaiah, Guntur District.

…. Petitioner

And

1. Union of India, rep. by its Secretary, Ministry of Finance, Service Tax, Central Secretariat, New Delhi.
2. State of Andhra Pradesh, rep. by its Principal Secretary, Revenue (CT) Department, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh.
3. The Assistant Commissioner of (ST), Vinukonda, Guntur District, Andhra Pradesh.
4. The Chief Commissioner, Central Tax, 1st Floor, Central Excise Buildings, New GST Bhavan, Port Area, Visakhapatnam – 530 035.
5. The Commissioner, Andhra Pradesh State Tax, Vijayawada.

… Respondents

! Counsel for the Petitioner : Mr.M.V.K. Moorthy

^ Counsel for Respondent No.2 : Mr. S. Suri Babu Special S.C

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? Cases referred

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION No.25826 of 2018

ORDER: (Per VRS,J.)

The petitioner has come up with the above writ petition seeking issue of Writ of Mandamus to direct the respondents either to reopen the web portal or to accept the TRAN-1 and TRAN-2 forms manually filed by them on 01.06.2018 and to rectify the GST tax return uploading system and to restore the input tax credit.

2. Heard Mr. M.V.K. Moorthy, learned counsel for the petitioner and Mr. S. Suri Babu, learned Special Standing Counsel for the respondent.

3. Innumerable writ petitions came up before this Court, complaining of the operation of the web portal relating to GST. Originally, the department came up with a circular dated 03.04.2018. As per the circular, several steps were indicated as available to the assesses, to be taken on or before 30.04.2018.

4. Complaining that even these steps did not alleviate their sufferings, the petitioner came up with the above writ petition. During the pendency of the above writ petition a fresh Circular dated 10.09.2018 has been issued. On the basis of the said circular, a Division Bench of this Court passed orders in W.P.Nos.32259 and 33573 of 2018 dated 03.10.2018. According to the petitioner, they have made a representation dated 24.09.2018 to the Joint Commissioner, who is the Nodal Officer. It is admitted that the Nodal Officer forwarded the application/representation to the Chief Commissioner who in turn should get orders of the GST Council.

5. Therefore, the writ petition is disposed of directing the Joint Commissioner, State Tax to forward the representation of the petitioner dated 24.09.2018 to the Chief Commissioner and further directing the Chief Commissioner to forward the said representation along with his report to the GST Council. The GST Council shall take a call and pass appropriate orders in accordance with law. There shall be no order as to costs.

6. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

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JUSTICE V. RAMASUBRAMANIAN

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JUSTICE J. UMA DEVI

25th October, 2018
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

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