$~4 & 5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 3277/2017, C.M. APPL.14275/2017**

JAGATJIT INDUSTRIES LIMITED & ANR. ..... Petitioners

versus

UNION OF INDIA & ORS. ..... Respondents

\+ **W.P.(C) 4204/2017, C.M. APPL.18404/2017**

SABMILLER INDIA LIMITED & ANR. ..... Petitioners

versus

UNION OF INDIA & ORS. ..... Respondents

Through : Sh. Tarun Gulati, Sh. Shashi Mathews, Sh. Vasu Nigam, Ms. Rachana Yadav, Sh. Vinod Kapoor and Ms. Vidhi Goel, Advocates, for petitioner, in Item Nos. 4 and 5.

Sh. Sanjeev Narula, CGSC with Sh. Rishabh Sahu and Sh. Sameer Sharma, Advocates, for UOI, in Item No.4.

Sh. Satyakam, ASC with Sh. Shashwat Parihar, Advocate, for Respodnent Nos. 4 and 5 in Item No.5.

Sh. Gautam Narayan, ASC with Sh. Abhinav Goyal, Advocate, for GNCTD, in Item No.4.

**CORAM:**
**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**
**HON'BLE MR. JUSTICE A. K. CHAWLA**

**O R D E R**

**% 10.08.2018**

1. It is pointed to the Court by the learned counsel for the petitioner as well as the respondents that pursuant to previous orders during the pendency of the present proceedings, the GST Council by its 26th meeting dated 10.03.2018 decided that GST/Service Tax could

not be levied on license fee and application fee called by whatever name for alcoholic liquor for human consumption. The Central Government accepted the GST Council's decision dated 31.07.2018, as is evident from the communication addressed to the Joint Commissioner (Legal) which *inter alia* states as follows:

*"F.No.336/14/2018-TRU*
*Government of India*
*Ministry of Finance*
*Department of Revenue*
*Tax Research Unit*
**************

*Room No.146G, North Block,*
*New Delhi, 31st July, 2018*

*To,*

*The Joint Commissioner (Legal),*
*GST Delhi East,*
*C.R. Building, I.P. Estate,*
*New Delhi-110109*

***Sub: WP No.3277/2017 filed by M/s. Jagatjit Industries in the Hon'ble High Court of Delhi related to service tax on license fee paid for liquor license – reg.***

*Sir,*

*The undersigned is directed to refer to email dt. 18.07.2018 and 25.07.2018 (copy attached) in regard to Writ Petition No. 3277/2017 filed by M/s. Jagatjit Industries in the Hon'ble High Court of Delhi challenging levy of service tax on license fee paid for liquor license.*

*2. The issue was discussed in the 26th GST Council Meeting held on 10.03.2018 [Agenda item 14(iv)] and it was decided that GST/Service Tax was not leviable on license fee and application fee by whatever name called for alcoholic liquor for human consumption.*

*3. The said decision of the GST Council has been accepted by the Central Government for implementation. The field formations have accordingly been requested vide letter dated 12.07.2018 that the show cause notices issued for the levy of Service Tax leviable on license fee and application fee by whatever name called for alcoholic liquor for human consumption during the period 01.04.2016 to 30.06.2017 may be kept in the call book till further directions from the Board.*

*Yours faithfully,*
*Sd/-*
*(Harsh Singh)*
*Technical Officer (TRU-II)"*

2. In view of the above, learned counsel states that the challenge to the relevant provisions of law have been rendered moot. The writ petitions are, therefore, disposed of in these terms.

**S. RAVINDRA BHAT, J**

**A. K. CHAWLA, J**

**AUGUST 10, 2018/ajk**