IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.02.2024**

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.Nos.3206 to 3210 & 3196 of 2024
and W.M.P.Nos.3465, 3464, 3467, 3468, 3469 & 3460 of 2024

S.Somasundaram ... Petitioner in W.P.3206 to 3210 of 2024

R.A.Blue Metals,
Rep. by its Partner D.Ravikumar,
No.50, Radhalakshmi Nilya,
Devasandra Main Road,
K.R.Puram,
Bengaluru - 560 036 ... Petitioner in W.P.3196 of 2024

-vs-

The State Tax Officer (FAC),
RS, Intelligence, Salem. ... Respondent in W.P.3206 to 3210 of 2024

The Deputy State Tax Officer,
Commercial Taxes Department,
Office of the Joint Commissioner (ST), (Intelligence)
Hosur Division, Hosur,
PIN - 635 130. ... Respondent in W.P.3196 of 2024

PRAYER in W.P.No.3206 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records relating to the Show Cause Notice of the Respondent dated 29.12.2023 in Ref: PAN: CCKPS7908F for levy of GST on seigniorage fee / royalty for the Financial year 2019-2020, quash the same.

PRAYER in W.P.No.3207 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records relating to the Show Cause Notice of the Respondent dated 29.12.2023 in Ref: PAN: CCKPS7908F for levy of GST on seigniorage fee / royalty for the Financial year 2017-2018, quash the same.

PRAYER in W.P.No.3208 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records relating to the Show Cause Notice of the

Respondent dated 29.12.2023 in Ref: PAN: CCKPS7908F for levy of GST on seigniorage fee / royalty for the Financial year 2020-2021, quash the same.

PRAYER in W.P.No.3209 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records relating to the Show Cause Notice of the Respondent dated 29.12.2023 in Ref: PAN: CCKPS7908F for levy of GST on seigniorage fee / royalty for the Financial year 2018-2019, quash the same.

PRAYER in W.P.No.3210 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records relating to the Show Cause Notice of the Respondent dated 29.12.2023 in Ref: PAN: CCKPS7908F for levy of GST on seigniorage fee / royalty for the Financial year 2021-2022, quash the same.

PRAYER in W.P.No.3196 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records relating to the Notice of the respondent dated 05.01.2024 in Ref. PAN No. AARFR7099H under FORM GST DRC-01A for levy of GST on seigniorage fee / royalty for the years 2017-2018 to 2021-2022 quash the same.

For Petitioner in all WP's	:	Mr.V.Sanjeevi
For Respondent in all WP's	:	Mr.V.Prasanth Kiran, GA (T)

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COMMON ORDER

By these writ petitions, the respective petitioner assails either the show cause notice or intimation issued under the Tamil Nadu Goods and Services Tax Act, 2017 in relation to the imposition of GST under the reverse charge mechanism on the seigniorage paid by the petitioner to the Government.

2. Mr.V.Prasanth Kiran, learned Government Advocate, accepts notice on behalf of the respondent. He has placed on record the recent judgment of the Division Bench of this Court in a batch of writ petitions, *A.Venkatachalam v. Assistant Commissioner (ST), Palladam II Assessment Circle, Palladam, W.P.Nos.30974 of 2022 batch*. In the said judgment, the following directions were issued at paragraph 9 thereof:

"*9. In these circumstances, we deem it fit and appropriate to issue the following directions:*

(i) In the cases, where the challenge is made to the show cause notices, the writ petitioners shall submit their objections / representations within a period of four weeks from the date of receipt of a copy of this order.

(ii) Upon receipt of the objections / representations from the writ petitioners, the authority concerned shall proceed with the adjudication, on merits and in accordance with law, after affording reasonable opportunity of

being heard to the petitioners. However, the orders of adjudication shall be kept in abeyance until the Nine Judge Constitution Bench decides the issue as to the nature of royalty.

(iii) It is made clear that there shall be no recovery of GST on royalty until the Nine Judge Constitution Bench takes a decision.

(iv) Needless to state that on the matters being decided, the writ petitioners if still aggrieved, shall redress their grievance(s), if any, before the appropriate forum, including by filing appeal(s).

(v) Insofar as the challenge to the notification as well as the circular, it is open to the writ petitioners to act upon, after the outcome of the case pending before the Nine Judge Constitution Bench.

(vi) It is also made clear that all the contentions are left open for the writ petitioners to raise in appropriate proceedings, after the outcome of the decision of the Nine Judge Constitution Bench."

3. In view of the above judgment, these petitions are liable to be disposed of on the same terms. Accordingly, W.P.Nos. 3206 to 3210 & 3196 of 2024 are disposed of in terms of directions issued in

paragraph 9 of *A.Venkatachalam v. Assistant Commissioner*. No costs. Consequently, W.M.P.Nos.3465, 3464, 3467, 3468, 3469 & 3460 of 2024 are closed.

16.02.2024
(1/2)

rna
Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No

To

1.The State Tax Officer (FAC),
RS, Intelligence, Salem.

2.The Deputy State Tax Officer,
Commercial Taxes Department,
Office of the Joint Commissioner (ST), (Intelligence)
Hosur Division, Hosur,
PIN - 635 130.

SENTHILKUMAR RAMAMOORTHY,J

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