



W.P.Nos.4458, 4462 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.02.2024

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.4458 & 4462 of 2024
and W.M.P.Nos.4813 & 4817 of 2024

P.Vengadasalam ... Petitioner in W.P.4458 of 2024

M.Duraisamy ... Petitioner in W.P.4462 of 2024

-vs-

The State Tax Officer,
The Office of the Joint Commissioner (ST),
Intelligence Erode Division,
Erode 638 001. ... Respondent in both WP's

PRAYER in W.P.No.4458 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari, calling for the records relating to the Notice of the Respondent dated 26.12.2023 in GSTIN: 33ARAPV4035F1Z1 for the period from 2023-2024 and quash the same.



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PRAYER in W.P.No.4462 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari, calling for the records relating to the Notice of the Respondent dated 27.12.2023 in for the period from 2023-2024.

For Petitioner : Mr.M.Guruprasad
in both WP's

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

COMMON ORDER

By these writ petitions, the petitioner assails the summons issued under applicable GST laws in relation to the imposition of GST under the reverse charge mechanism on the seigniorage paid by the petitioner to the Government.



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2. Mr.C.Harsha Raj, learned Additional Government Pleader, 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



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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, this petition is liable to be disposed of on the same terms. Accordingly, W.P.Nos.4458 and 4462 of 2024 are disposed of in terms of directions issued in paragraph 9 of



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A.Venkatachalam v. Assistant Commissioner. No costs. Consequently,

W.M.P.Nos.4813 and 4817 of 2024 are closed.

23.02.2024

rna

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

To

The State Tax Officer,
The Office of the Joint Commissioner (ST),
Intelligence Erode Division,
Erode 638 001.



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SENTHILKUMAR RAMAMOORTHY,J

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