



W.P.No.7557 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.03.2024

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7557 of 2024
and W.M.P.Nos.8477 & 8479 of 2024

M.R.Enterprises,
Rep. by its Partner B.Gowdappa,
S.F.No.747, NA Panchakshi Puram,
Hosur, Krishnagiri District.

... Petitioner

-vs-

The Deputy State Tax Officer,
Intelligence, Hosur Division,
Office of the Joint Commissioner (ST) (Intelligence),
3/47, Sapthagiri Complex, Commercial Taxes Building,
2nd Floor, Gandhi Nagar, Near Five Star Petrol Bunk,
Hosur - 635 109.

... Respondent

PRAYER: 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 impugned Notice of the respondent dated 29.01.2024 in GSTIN: 33AGXPG8799D1ZP for levy of GST on seigniorage fee / royalty for the financial year 2017-18 to 2022-23, quash the same.



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For Petitioner : Mr.V.Sanjeevi

WEB COPY For Respondent : Mr.V.Prashanth Kiran, GA (T)

ORDER

By this writ petition, the petitioner assails the 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.Prashanth 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:



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WEB COPY "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).



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(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 writ petition is liable to be disposed of on the same terms. Accordingly, W.P.No.7557 of 2024 is disposed of in terms of directions issued in paragraph 9 of *A.Venkatachalam v. Assistant Commissioner*. No costs. Consequently, W.M.P.Nos.8477 and 8479 of 2024 are closed.

22.03.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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To

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