BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13.08.2024

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THE HONOURABLE MR JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.4847 of 2024
and
W.M.P(MD)No.4657 of 2024

M/s.Uppidamangalam Town Panchayat,
Represented by its Executive Officer
S.Banujeyarani,
Uppidamangalam,
Karur District 639 114. ... Petitioner

Vs.

The Assistant Commissioner of GST &
Central Excise
15, I Floor, Gowripuram Extn., Anna Nagar,
Karur-639 002. ...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertain to the impugned order in Original No.26/GST/AC/2023 dated 06.12.2023 passed by the respondent and quash the same as arbitrary illegal without jurisdiction and contrary to exemption clause contemplated under Notfn.No.14/2017-CT dated 28.06.2017.

For Petitioner : Mr.N.Sudalaimuthu
For Respondent : Mr.N.Dilipkumar

ORDER

Mr.N.Dilip Kumar, learned Standing Counsel for the respondent takes notice to the respondent.

2. The petitioner is before this Court against the impugned order dated 06.12.2023. The petitioner is a Local Authority within the meaning/definition provided in Section 69 (2) of the respective GST enactments.

3. It is the case of the petitioner that the petitioner is exempted from the payment of Service Tax in terms of notification No.14/2017-Central Tax (Rate) read with Article 243G and Article 243W of the Constitution of India in respect of activities performed/measures undertaken such as market services, road cut restoration, community hall service etc.

4. The learned counsel for the petitioner would also place reliance on the decision rendered by this Court under identical situation in the case of ***Cuddalore Municipality and Virudhachalam Municipality vs. The Joint Commissioner of GST & Central Excise*** *vide* order dated 22.03.2021 in ***W.P.No. 8900 of 2018 and batch***.

5. It is noticed that the petitioner has collected certain amount as tax for renting of immovable property and has remitted the same.

6.The question as to whether the petitioner's activity falls within the ambit of the exemption notification in Notf.No.14/2017-Central Tax Rate(Rate) requires detailed examination of each of the activities/services rendered by the petitioner, an exercise normally not undertaken under Article 226. In view thereof, this Court is not inclined to entertain the writ petition. However, liberty is granted to the petitioner to file an appeal within a period of 15 days from the date of receipt of a copy of this order, subject to fulfilling the conditions relating to appeal including pre-deposit, if any. If such an appeal is filed within the period stipulated above i.e., 15 days from the date of receipt of a copy of this order, the same shall be considered and disposed of on merits and in accordance with law.

7.This Writ Petition is disposed of, with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

13.08.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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To
The Assistant Commissioner of GST &
Central Excise
15, I Floor, Gowripuram Extn., Anna Nagar,
Karur-639 002.

MOHAMMED SHAFFIQ, J.

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