

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6135 OF 2025

[Rushiraj Infra, through its Partner Shri Satish R. Hiranwar **vs.** Union of India,
 through its Secretary, Ministry of Finance, Department of Revenue and ors.]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. A. J. Bhoot, Advocate for the petitioner
 Mr. S. N. Bhattad, Advocate for CGST & Central Excise Dept.

CORAM: ANIL L. PANSARE AND
Y. G. KHOBRAGADE, JJ.

DATED : 10-10-2025.

Heard.

Mr. S. N. Bhattad, learned counsel shall take
 instructions from the respondents.

The question is whether, G.S.T. is payable on the
 payment of royalty made by the persons like the petitioner for
 carrying out minor mineral activities.

The learned Counsel for the petitioner submits that the
 issue involved is pending decision before the Hon'ble Supreme
 Court in Petition(s) for Special Leave to Appeal (C) No.(s)
 37326/2017.

The Supreme Court in the said petition granted relief
 to the petitioners therein by which the Court directed that
 payment of service tax for grant of mining lease/royalty shall
 remain stayed.

We are informed that on the basis of such order, this
 Court in connected Writ Petition Nos. 5658/2022, 6884/2024
 and 8366/2023 has granted interim relief.

In view of above, similar such relief is sought and we
 find no reason to deny the request. Accordingly, in terms of
 interim order passed by the Hon'ble Supreme Court in the
 aforesaid petitions, the payment of G.S.T. for grant of mining

lease/royalty shall stand stayed against the petitioner herein until further order.

List along with Writ Petition No.5173/2022 after Diwali Holidays.

(Y. G. KHOBRAGADE, J.)

(A. L. PANSARE, J.)

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