IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.2641 of 2025
and
W.M.P. No.2950 of 2025

M/s.Salcomp Manufacturing India Private Ltd.,
Nokia Telecom SEZ,
SIPCOT Industrial Park Phase-III,
Chennai Bangalore Highway,
Sriperumbudur-602 105,
Rep. By its Director. ... Petitioner

Vs.

Commissioner,
CGST and Central Excise,
Chennai Outer, Newry Towers, No.2054-I,
II Avenue, Anna Nagar,Chennai-600 040. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the Respondent in proceedings No.C.No.G.ExCom/Adjn/ST/Com/206-2024 Adj Commr-ST in Order-in-Original No.04/2024/Commr dated 29.10.2024 passed in respect of assessment year 2011-12 to 2015-16 and quash the same.

For Petitioner	: Mrs.G.Dhanamadhri for M/s.Agam Legal
For Respondent	: Mr.Sai, Srujan Tayi Senior Standing Counsel

ORDER

The present writ petition is filed challenging the impugned order dated 29.10.2023 on the premise that the petitioner is engaged in the manufacture of power supplies, electronic goods etc., which is an unit under the Special Economic Zone (SEZ). The services provided by the petitioner are exempt from service tax under the Finance Act, 1994, read with Special Economic Zones Rules, 2006.

2. It is submitted that this is the second round of litigation. In W.P. No.7635 of 2024, for the very same period viz., 2011-12 to 2015-16, this Court was pleased to remand the matter back after recording the submissions of the learned Standing Counsel for the Respondents therein that the issue that arises in the impugned order was decided in favour of the petitioner by the Telangana and Andhra Pradesh High Court in *GMR Aerospace Engineering Limited vs. Union of India* reported in *(2019) 1 ALT 633 (DB)* and that the Special Leave Petition filed by the tax authorities against the order of the Telangana and Andhra Pradesh High Court was dismissed by the Hon'ble Supreme Court in SLP(Civil) Diary No.22140 of 2019. In view of the above, the impugned order was quashed and the matter was remanded for reconsideration by the 1st Respondent therein.

3. The impugned order proceeded to confirm the levy of tax without taking

into account the judgment in GMR Aerospace Limited (cited supra), which will have a material bearing.

4. On being pointed out, the learned counsel for the Respondent would submit that the same would be considered and orders would be passed afresh after granting the petitioner a reasonable opportunity of hearing.

5. In view thereof, the Respondent is directed to consider the judgment of the Telangana and Andhra Pradesh High Court in *GMR Aerospace Engineering Limited vs. Union of India* reported in *(2019) 1 ALT 633 (DB)* and proceed to redo the assessment afresh after granting the petitioner a reasonable opportunity of hearing. It is open to the petitioner to raise all contentions including jurisdictional issues.

6. The writ petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

29.01.2025

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
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MOHAMMED SHAFFIQ, J.

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To:
Commissioner,
CGST and Central Excise,
Chennai Outer, Newry Towers, No.2054-I,
II Avenue, Anna Nagar,
Chennai-600 040.

W.P. No.2641 of 2025

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