IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

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THE HONOURABLE MR JUSTICE C. SARAVANAN

WP No. 41773 of 2025
and
W.M.P.Nos.46819 & 46820 of 2025

1. Sai Jothi quarry
Rep by Managing Partner Sai Prakash
Leo Muthu, No.41, Leo complex Madley
Road, T.Nagar, Chennai 600 017

Petitioner(s)

Vs

1. The Assistant Commissioner (ST)
T.Nagar Assessment Circle, No. 46
Mylapore Taluk office Building,
2nd floor Greenways Road,
R.A Puram, Chennai 600 028

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned Notice of the Respondent dated 13.08.2025 in Ref:GSTIN: 33ABJFS8191GIZU/2022-2023, for levying and demanding GST on the Seigniorage fee/Royalty paid for quarrying and transporting mineral along with interest and penalty for the Assessment Year 2022 -2023, quash the same.

For Petitioner(s): Mr.V.Sanjeevi

For Respondent: Mrs.K.Vasanthamala
Government Advocate

ORDER

Mrs.K.Vasanthamala, learned Government Advocate, takes notice for the Respondent.

2. This Writ Petition is being disposed of at the time of admission after hearing the learned counsel for the Petitioner and learned Government Advocate for the Respondent.

3. In this Writ Petition, the Petitioner has challenged the impugned Notice dated 13.08.2025 under Section 63 of the respective GST enactments read with Rule 100(2) of the respective GST Rules.

4. The Petitioner has not obtained registration and has not paid GST to the Government on the Seigniorage fee/Royalty for quarrying and transporting of mines and minerals under the Reverse Charge Mechanism (RCM). The Petitioner had also not made any contributions to the District Mineral Foundation Trust (DMFT).

5. Under similar circumstances, this Court has passed orders by remitting the case back subject to the outcome of the decision of the Hon'ble Supreme Court regarding the dispute relating to levy of GST on the Seigniorage fee/Royalty paid for quarrying mines and minerals. In this connection, a reference is made to the decision of this Court in **S.Pichandhi, Proprietor of**

Sri Murugan Ready Mix Concrete and Blue Metal Industries, Vellore Vs. **The Deputy State Tax Officer, Vellore Rural Assessment Circle, Vellore**, in W.P.Nos.35883 and 35889 of 2025 dated 25.09.2025. Relevant portion of the order is reproduced below:-

> ***"3. In these Writ Petitions, the Petitioner has challenged the impugned Notices in FORM GST DRC-01A dated 16.06.2025 for the Tax Period 2021-2022 and 2020-2021 respectively.***
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> ***4. The learned counsel for the Petitioner submits that the issue is now pending before the Hon'ble Supreme Court, as the dispute pertains to levy of GST on the Seigniorage fee/Royalty paid for quarrying and transporting mineral.***
>
> ***5. Considering the fact that the issue is pending before the Hon'ble Supreme Court, I am inclined to dispose of these Writ Petitions at the admission stage, by directing the Respondent to keep all the proceedings in abeyance.***
>
> ***6. The Respondent shall await the orders to be passed by the Hon'ble Supreme Court and thereafter proceed in accordance with law. The Petitioner shall however deposit 10% of the disputed tax as security, in line with the directions issued in the Petitioner's own case earlier."***

6. Considering the facts and circumstances of the above case in W.P.Nos.35883 and 35889 of 2025, which are almost identical to the facts of the present case, this Court is of the view that the aforesaid order will hold good in respect of the present Writ Petition also.

7. Accordingly, this Writ Petition stands disposed of on the same terms. No costs. Connected Writ Miscellaneous Petitions are closed.

07-11-2025

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Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No

To

1.The Assistant Commissioner ST
T.Nagar Assessment circle, No. 46
Mylapore Taluk office Building, 2nd
floor Greenways Road, R.A Puram
Chennai 28

C.SARAVANAN, J.

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