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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 6298/2025, CM APPL. 28714/2025 & CM APPL. 28715/2025**

SHIVALIK HOUSEKEEPING SERVICES .....Petitioner

Through: Mr. Abhishek Kumar Lal, Advocate.

versus

DEPARTMENT OF REVENUE AND ORS .....Respondents

Through: Mr. Puneet Yadav, SPC for R-1.
Mr. Mudit Gupta, SSC for R-2.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

O R D E R

% 13.05.2025

1. This hearing has been done through hybrid mode.

2. The present writ petition has been filed by the Petitioner-Shivalik Housekeeping Service under Article 226 of the Constitution of India seeking a waiver of the prescribed pre-deposit (10% of the tax amount) for preferring an appeal under Section 107 of Central Goods and Services Tax Act, 2017 (hereinafter *'CGST Act'*).

3. The Petitioner intends to prefer an appeal from the Order in Original dated 20th January, 2025 *vide* which a demand to the tune of Rs. 21,80,36,550/- has been raised against the Petitioner who is engaged in supply of House Keeping Services to Respondent Nos. 3, 4 and 5 which are Government Educational Institutions.

4. It is the Petitioner's case that manpower services rendered to

Government Educational Institutions shall be exempted from the Scope of GST in terms of Serial no. 3, Chapter 99 in ***Notification No.12/2017- Central Tax (Rate)*** dated 28th June, 2017 read with ***Notification No.2/2018-Central Tax (Rate)*** dated 25th January, 2018

5. It is further submitted by the ld. Counsel for the Petitioner that the Petitioner, under the presumption that Government Educational Institutions were exempt from the purview of GST, had not even collected GST from the various educational establishments to whom the housekeeping services were provided.

6. Issue notice. The ld. Counsel for the Respondent-Department accept notice.

7. The issue in the present case pertains to whether the entities to whom the Petitioner rendered housekeeping services were exempt from the levy of GST, in view of the definition of *'pure services'* and *'government entity'* in ***Notification No.12/2017- Central Tax (Rate)***. The relevant entries are extracted below:

3	Chapter 99	Pure services (excluding works contract service or other composite supplies involving supply of any goods) provided to the Central Government, State Government or Union territory or local authority or a Governmental authority by way of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution or in	Nil	Nil

66	Heading 9992	Services provided - (a) by an educational institution to its students, faculty and staff; (b) to an educational institution, by way of,- (i) transportation of students, faculty and staff; (ii) catering, including any mid-day meals scheme sponsored by the Central Government, State Government or Union territory; (iii) security or cleaning or house-keeping services performed in such educational institution; (iv) services relating to admission to, or conduct of examination by, such institution; upto higher secondary: Provided that nothing contained in entry (b) shall apply to an educational institution other than an institution providing services by way of pre-school education and education up to higher secondary school or equivalent.	Nil	Nil

8. In the opinion of this Court, the question as to whether the clients of the Petitioner are covered by the relied upon notifications or not would have to be examined on facts after analysing the status of each of the clients. The Appellate Authority would be the appropriate forum to determine the above raised question.

9. Considering the fact that,

(i) the Petitioner itself has not collected GST from its clients; and

(ii) the question as to whether the entities to whom the Petitioner has rendered services were covered by the exemption or not would have to be looked into by the Appellate Authority;

the Court is inclined to permit the Petitioner to file an appeal under Section 107 of the CGST Act. The Appellate Authority, after considering the facts, shall also determine the amount of pre-deposit to be made by the Petitioner. This order is passed in the peculiar facts of the present case.

10. The Petitioner is accordingly permitted to avail of the appellate remedy by 10th July, 2025 along with an application seeking determination of the pre-deposit payable, which shall be considered in accordance with law by the Appellate Authority, as directed above.

11. Accordingly, the present writ petition is disposed of. All the pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MAY 13, 2025/*MR/Ar.*