IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.4634 OF 2024

Mediaedge CIA India Private Limited ... Petitioner
versus
Union of India and others ... Respondents

Mr.Rohan Shah, Senior Advocate, with Ms.Raashree Lohia, Mr.Mohammed Anajwalla i/by Khaitan & Co. for Petitioner.

Mr.J.B.Mishra with Mr.Rupesh Dubey, Mr.Ashutosh Mishra for Respondent no.1.

Ms.PrachiTatake (V.C), Additional Govt.Pleader for State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 20th January 2026

P.C.

1. This Petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:

> "(a) That this Hon'ble Court be pleased to issue a Writ of Certiorari or a Writ in the nature of Certiorari or any other writ, order or direction under Article 226 of the Constitution of India, 1950 calling for the records pertaining to the Petitioners' case and after going into the validity and legality thereof be pleased to quash and set aside the Rectification Order bearing reference no. ZD270724025317D dated 10.07.2024 and file no. DC (E-615/509)/LTU-1/GST Audit/DRC-08/MEDIAEDGE CIA INDIA PVT LTD/2018-19/2024-25/B- 581 Mumbai, dated 09.07.2024 passed by the Deputy Commissioner of State Tax (MUM-LTU-509), LTU-I, Mazgaon, Mumbai, Maharashtra (Exhibit B) being bad in law, void ab initio, and, ultra vires the scheme of adjudication contained under Section 73 of the Central Goods and Services Tax Act, 2017 read with Section 73 of the Maharashtra Goods and Services Tax Act, 2017 and Section 20 of the Integrated Goods and Services Tax Act, 2017;
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> (b) that this Hon'ble Court be pleased to issue a Writ of Certiorari or a Writ in the nature of Certiorari or any other writ, order or direction under Article

226 of the Constitution of India, 1950 calling for the records pertaining to the Petitioners' case and after going into the validity and legality thereof be pleased to quash and set aside the Order-in-Original bearing reference no. ZD270424038603H and file no. No. DC (*-615/509)/LTU-1/GST Audit/DRC-07/ MEDIAEDGE CIA INDIA PVT LTD/2018-19/2024-25/B- 477 Mumbai, dated 19.04.2024 passed by the Deputy Commissioner of State Tax (MUM-LTU-509), LTU-I, Mazgaon, Mumbai, Maharashtra (Exhibit- C) being bad in law, void ab initio, and, ultra vires the scheme of adjudication contained under Section 73 of the Central Goods and Services Tax Act, 2017 read with Section 73 of the Maharashtra Goods and Services Tax Act, 2017 and Section 20 of the Integrated Goods and Services Tax Act, 2017;

(c) that this Hon’ble Court be pleased to hold and declare that the Notification No. 56/2023-Central Tax dated 28.12.2023 and Notification No. 56/2023-State Tax, No. MGST-1524/C.R.6 /Taxation-1, dated 16.01.2024 (Exhibit-A) ultra vires Article 14 and Article 19(1)(g) of the Constitution of India, 1950;

(d) that this Hon'ble Court be pleased to hold and declare that the Notification No. 56/2023-Central Tax dated 28.12.2023 and Notification No. 56/2023-State Tax, No. MGST-1524/C.R.6 /Taxation-1, dated 16.01.2024 (Exhibit-A) ultra vires Section 168A of the Central Goods and Services Tax Act, 2017 read with Section 168A of the Maharashtra Goods and Services Tax Act, 2017 and Section 20 of the Integrated Goods and Services Tax Act, 2017;

(e) that this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ or order or direction under Article 226 of the Constitution of India, 1950 ordering and directing the Respondents themselves, their officers and subordinates to forthwith withdraw and/or rescind the Impugned orders dated 09/10.07.2024 (Exhibit-B) and 19.04.2024 (Exhibit- C);

(f) that pending the hearing and final disposal of this Petition, the Respondents by themselves, their office subordinates, servants and agents be restrained from in any manner acting on, or, in consequence of, the Impugned orders dated 09/10.07.2024 (Exhibit-B) and 19.04.2024 (Exhibit- C) passed by the Respondent No. 3;

(g) grant ad-interim reliefs in terms of prayer (d) above; and

(h) for costs of this Petition;

(i) grant such further and other reliefs or directions as this Hon'ble Court may deem fit and necessary in the facts of the present case.”

2. Thus, the primary challenge in the present Writ Petition is to the rectification order dated 9th/10th July 2024 whereby the Order-in-Original dated 19th April 2024 (collectively referred to as the “impugned order”) has been partially

upheld and both the impugned orders have been challenged on the ground that they are completely non-speaking orders without considering the submissions made by the Petitioners resulting in the issuance of demand notices.

3. Briefly the facts are as follows: -

(i) The Petitioner is a company duly incorporated under the Companies Act, 1956 and is *inter alia* engaged in providing media planning and placement services to advertisers. The Petitioners have clients based in India and Overseas;

(ii) On 19th December 2023, parallel to an investigation conducted by the State Goods and Services Tax (GST) Officers, the jurisdictional State GST Officers initiated audit proceedings and issued show cause notice basis final audit reports. The Petitioner filed its reply dated 18th January 2024 to the Audit Show Cause Notice highlighting that the subject matter in the show cause notice was being investigated by the State GST Officers parallely. On 24th January 2024, the investigation wing issued show cause notice, proposing to levy GST on the subject matters overlapping audit show cause notices. Pursuant thereto the impugned Order-in-Original dated 19th April 2024 was passed by Respondent No.3. Further an Order-in-Original dated 30th April 2024 was passed by the Assistant Commissioner of State Tax;

(iii) On 31st May 2024, the Petitioner filed rectification application inasmuch as the impugned Order-in-Original dated 19th April 2024 suffered from an error apparent on record i.e. that the demand was confirmed on the same subject matter twice and hence rectification of the impugned order dated 19th April 2024 was sought;

(iv) On the aforesaid Rectification Application dated 31st May 2024, the impugned order dated 9th/10th July 2024 was passed whereby the order dated 19th April 2024 was partially upheld;

(v) These two impugned orders as stated aforesaid are the subject matter of challenge in the present petition.

4. We have heard learned Senior Counsel, Mr. Rohan Shah along with Ms. Rajashree Lohia and Mr. Mohammed Anajwalla for the Petitioners. Also, Mr. J. B. Mishra along with Mr. Rupesh Dubey and Ashutosh Mishra for Respondent No.1 and Ms. Prachi Tatake for State of Maharashtra through Video Conference (V.C.). With the assistance of the learned counsels, we have perused the records and the impugned orders, and we proceed to decide this petition.

5. Learned Senior Counsel, Mr. Rohan Shah on behalf of the Petitioner has vehemently contended that both the impugned orders i.e. 19th April 2024 and 9th/10th July 2024 are non-speaking orders and have been passed without considering the submissions made by the Petitioner. It is further his contention that the impugned orders nowhere record any reason as to why parallel proceedings are being maintained on the show-cause notices issued and merely confirmed the demand on the ground that the required documents and information have not been produced. It is further his submission that the impugned orders have not taken into consideration the detailed submissions made by the Petitioner on the merits of the matter and have been passed on mere assumptions and presumptions without dealing with every contention as raised by the Petitioner. Learned Senior Counsel, Mr. Shah also contended that recovery proceedings under Section 79(1)

of Central Goods and Services Tax Act, 2017 (GST Act) have been initiated in pursuance of the impugned orders. He has further pointed out that, amongst the various issues which were subject matter of the show cause notices, the only finding in the impugned order dated 19th April 2024 passed by Respondent No.3 on all the aforesaid issues is summated by way of the following paragraph :

> *"5.10. Given the above, we humbly request your good office to drop the observation raised and no further proceeding should be initiated in this matter.*
> *Discussion:-*
>
> *Taxpayer has submitted reply in Form GST DRC-06 on dt. 18.01.2024 on common portal. This office has gone through the submission, taxpayer could not produce relevant documents/ supporting, hence lability remains the same.*
> *This office has gone through the detail reply which is submitted by the taxpayer.*
>
> The facts discussed in this case and the facts in your case are different hence the reply cannot be accepted as per the provisions of the Goods and Services Tas Act, 2017 in this regard
> In View of this Lability is confirmed and taxpayer is asked to discharge the Lability along with Interest under Section 50(1) and penalty U sec 73(9)."

6. He has further submitted that, even the order of rectification which is impugned, passed by Respondent 3, has also been mechanically passed and has partially upheld the order dated 19th April 2024 without giving any independent finding on the issues raised for rectification by the Petitioner. He therefore submits that both the orders are liable to be quashed and set aside inasmuch as they both are perverse and violative of principles of natural justice and have been passed without considering the submissions/replies submitted by the Petitioner.

7. Learned counsel on behalf of the Respondent has supported the orders passed by Respondent Nos. 3 and submitted that the Petitioner has an alternative remedy of preferring an appeal before the appellate authority for the impugned orders.

8. On hearing the rival contentions and on perusing the impugned orders, we find much substance in the submission made on behalf of the Petitioner that the impugned orders have been passed in a mechanical manner without adverting to the submissions as made by the Petitioner. In fact the impugned orders have not given any finding on the issues raised and have only given a bald finding that the office has gone through the submission and on account of the taxpayers inability to produce relevant documents, the liability is confirmed and the taxpayer is to discharge the liability along with interest Section 50(1) and consequent 70(9) of the CGST Act. This to our mind is a complete violation of principles of natural justice and such mechanical orders passed by the Respondents raising consequent demands on the Petitioner cause grave prejudice and hardship to the Petitioner. In our view therefore, this is a fit case to exercise jurisdiction under Article 226 of the Constitution of India and we deem it appropriate to pass the following orders which will meet the ends of justice.

ORDER

(i) Impugned orders dated 19th April 2024 bearing reference no. ZD270424038603H passed by Respondent No. 3 and rectification order bearing reference no. ZD270724025317D dated 9th/10th July 2024 passed by Respondent No. 3 are hereby quashed and set aside;

(ii) Respondents to issue a fresh show cause notice to the Petitioners and after granting a personal hearing to the Petitioner pass a detailed/reasoned speaking order as expeditiously as possible and preferably within a period of one month from the date this order is made available to the Respondents by the Petitioner.

(iii) No coercive action to be initiated against the Petitioner till the passing of the fresh orders and all notices issued in pursuance of the impugned orders dated 19th April 2024 and 9th/10th July 2024 are stayed.

(iv) Petition disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.) **(G. S. KULKARNI, J.)**