APHC010513882026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3543]
(Special Original Jurisdiction)

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 28450 OF 2026

Between:

1. AKSHAYA CONSORTIUM, M/s. Akshaya Consortium, 15-186/B, Indira Gandhi Statue Road, Avanthinagar, Opp Apsp Campus, East Godavari, Andhra Pradesh- 533 005 Represented by its Partner, Koncha Veeraswamy, aged about 47 years, S/o. Koncha Ramakrishna, R/o. 5-186/B, Avanthi Nagar, Indira Gandhi Statue Road, Kakinada Rural, Sarpavaram, East Godavari, Andhra Pradesh- 533 005

...Petitioner

AND

1. The Assistant Commissioner ST, Nidadavolu Circle, Rajamahendravaram. D. No. 3-10-8/1, 2nd Floor of Rayudu Nursing Home, Ramnagar, Patimeeda, Nidadavole, East Godavari District, Andhra Pradesh- 534 301

2. The Deputy Assistant Commissioner STI, O/o. Assistant Commissioner, Kakinada Port Circle, Kakinada Division, D. No. 10-355, 2nd Floor, CT Complex, Ramanayyapeta, Kakinada, Andhra Pradesh- 533 005

3. The Chief Commissioner of State Tax, Door No. 12-468-4, Adjacent to NH-16, Service Road, Kunchanapally, Guntur District, Andhra Pradesh-522 501

4. The State of Andhra Pradesh, Represented by its Principal Secretary Revenue (Commercial Taxes) Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh - 522238

5. State Bank of India, Rep. by its Manager, Srirama Nagar Branch, Bhanugudi Junction, Kakinada, Andhra Pradesh- 533 033

...Respondents

Counsel for the Petitioner: MOHD MUKHAIRUDDIN

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court made the following ORDER: ***(Per NJS,J)***

Petitioner, a partnership firm engaged in works contract services, is registered under provisions of APGST Act.

2) Petitioner filed the present Writ Petition *inter alia* stating that the firm suffered unforeseen and continuous business losses etc., due to Covid-19 pandemic, which severely crippled its operating liquidity. During August, 2023 – January, 2024 there was no business and nil returns were filed. For the period February, 2024, petitioner declared liability of Rs.44,99,712/- to be paid in GSTR-1. Since payments were not received from its customers / clients, liability remained unpaid. Respondent No.1 issued Form GSTR 3A, dated 25.03.2024 for the period February, 2024 under Section 46 r/w Rule 68 of the CGST / APGST Rules, 2017, calling upon the petitioner to pay the tax liability. ASMT 13, dated 31.07.2024 under Section 62 of the Act was also issued directing the petitioner to pay the tax dues. As no returns were filed, firm's certificate of registration was cancelled vide order in Form REG 19, dated 26.10.2024. Subsequently, respondent No.1 issued Form DRC 13, dated 19.05.2026 to respondent No.5/petitioner's banker and received an amount of Rs.7,81,815/-. Thus, an amount of Rs.37,17,897/- was due and respondent No.2 issued notice in Form DRC-16, dated 07.09.2026 attaching the primary residential properties of the petitioner's partner.

3) In the aforesaid situation, the petitioner sought to file an application under Section 80 of the Act before the 3rd respondent seeking installment

facility to pay the arrears, but could not succeed in its attempt as GST portal is not allowing filing of the application by showing an error *"As recovery ID is already generated for the demand ID, you cannot file the application for deferred payment/payment in installment."* At that stage, the petitioner approached this Court seeking appropriate reliefs.

4) After hearing the submissions made on behalf of petitioner, on 05.10.2026, this Court was inclined to grant a direction to the respondent authorities not to take further coercive action pursuant to the order of attachment, subject to the condition of petitioner depositing 20% of the tax dues amount of Rs.37,17,900/- within three weeks. It is also provided that in the event of the petitioner complying with the said condition, direction for payment of balance tax in installments would be considered.

5) Learned counsel for the petitioner Mr.Shabaz appearing through online, while stating that the order dated 05.10.2026 was complied with, sought to make submissions with reference to the averments made in the Writ Petition. Though he submits that the petitioner has good grounds to substantiate that the action of respondents in seeking to recover the tax dues is not tenable in law, we are not inclined to appreciate the same. Admittedly, petitioner failed to discharge its tax liability, for whatever the reasons might be. Petitioner itself, even as per the averments in the Writ Petition, made attempts to file an application seeking installments to pay the arrears and was unsuccessful as recovery proceedings were already initiated. It is not the case of the petitioner that prior to initiation of

recovery proceedings, it approached the respondent authorities for grant of installments in terms of Section 80 of the Act. Be that as it may.

6) While granting interim direction, this Court on 05.10.2026 made it clear that in the event of petitioner complying with the conditional order, direction for payment of balance tax installments would be considered. At this stage, learned counsel for the petitioner requested that 24 monthly installments for payment of balance amount of Rs.29,74,000/- may be granted. However, keeping in view that the dues are in respect of 2024 Tax period, this Court is inclined to grant six (06) monthly installments, commencing from 10.11.2026, for payment of the aforesaid balance tax amount. It is made clear if the petitioner defaults in the payment of any one of the monthly installment, the respondent authorities are at liberty to initiate action for recovery of the entire amount.

7) The Writ Petition is disposed of with the directions as indicated above. No costs.

8) Consequently, Miscellaneous Applications pending, if any, shall stand closed.

NINALA JAYASURYA,J

T.C.D.SEKHAR,J

Date:29.10.2026
Ssv

Whether the order is :
Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION No: 28450 OF 2026

Date:29.10.2026.

Ssv