IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 28470 OF 2008

Between:

1. Petroleum Companies Contractors Welfare Association,(Regd.No.839 of 2008) A Society registered under the Societies Registration Act 2001, having its registered offic at 4015,Emerlad House,S.D.Road,SEcunderabad rep.by its Secretary Sri.P.Sunil Reddy.
2. M/s.Surya International Regd.office at 4015,Emerlad, House,S.D.Road, Secunderabad, rep.by its Managing partner K.Srinivas Reddy.
3. M/s.Hyderabad Aluminium Traders, office at 101, A Block Vajra Residency, Bakaram Road, Musheerabad Hyderabad-20 rep.by its Proprietor C.R.Vinod Kumar.
4. M/s.Vijaya Engineering Consultants, office at HIG 240, Phase I and II,KPHB colony, Kukatpally,Hyderabad rep.by its Proprietor K.V.V.Raghavulu.

.....PETITIONERS

AND

1. Union of India., Ministry of Finance, rep by its Secretary, New Delhi-110001.
2. The Commissioner of Central Excise, Customs and Service, Tax Hyderabad, IV Commissionerate, Posnett Bhavan, Ram Koti, Hyderabad-500001.
3. The Superintendent (Service Tax), O/o. The Commissioner, of Central Excise and Customs,Hyderabad IV Commissionerate Posnett Bhavan, Ram Koti,Hyderabad-500001.
4. The Assistant Commissioner, Service Tax -Anti Evation, O/o. The Commissioner of Central Excise, Customs and Service Tax,Hyderabad II Commissionerate Shakar Bhavan,L.B.Stadium Road Basheerbagh, Hyderabad.

.....RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ order or direction more particularly in the nature of writ of mandamus declaring levy of service tax on construction service as defined under section 65(30a) w.e.f.10.9.2004 to 15.6.2005 and the levy of service tax on commercial or industrial construction services as defined in section 65(25b) with effect from 16.6.2005 as ultra vires Articles, 14,19(1)(g) and Article 265 of the Constitution of India in so far as works contracts carried out by the members of the petitioner Association is concerned declare section 65 (105) (zzzza)of the Finance Act 1994 (as amended by Finance act 2007) as ultravires the constitution of India and set aside the Notices issued by the Service Tax authorities to the members of petitioners Association and consequently interdict the respondents from collecting service tax in respect of works contracts carried out by them.

I.A.NO:1 OF 2008 (WPMP.NO: 37317 OF 2008)

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings including recovery proceedings by the respondents their men and officers from levying demanding or collecting service tax from the petitioners with effect from 10.9.2004 pending disposal of the writ petition.

Counsel for the Petitioners : SRI A.V.A.SIVA KARTIKEYA, ADVOCATE FOR SRI S.CHAKRAPANI

Counsel for the Respondents : SRI A.RAMA KRISHNA REDDY (SC FOR CBEC)

The Court made the following ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No. 28470 of 2008

ORDER:

Sri A.V.A. Siva Kartikeya, learned counsel appears for Sri S. Chakrapani, learned counsel for petitioners.

Sri A. Rama Krishna Reddy, learned Standing Counsel for Central Board of Excise & Customs appears for respondents.

2. Learned counsel for the petitioners submits that despite efforts made, the parties are not responding. The learned arguing counsel on record has passed away.

3. The matter relates to the year 2008. It appears that earlier, the matter was posted under the caption 'For Dismissal' for non-appearance.

4. Therefore, the instant Writ Petition is dismissed for non-prosecution. However, liberty is reserved with the

petitioners to seek revival of the instant Writ Petition, if the cause survives. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/-B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI S.CHAKRAPANI, Advocate [OPUC]
2. One CC to SRI A.RAMA KRISHNA REDDY (SC FOR CBEC) Advocate [OPUC]
3. Two CD Copies

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HIGH COURT

DATED:17/10/2025



ORDER

WP.No.28470 of 2008

DISMISSING THE W.P

FOR NON – PROSECUTION

WITHOUT COSTS.

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3/11/25