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

THURSDAY, THE SIXTH DAY OF NOVEMBER
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: 29193 OF 2025

Between:

M/s.Qualitus Pharma Solutions, Rep. by its Mg. Partner Sri P.B.R.Varma, Sy.No.491 and 492, Gowdavally Village, Medchal Road, Medchal Mandal, Medchal-Malkajgiri District, Telangana

...PETITIONER

AND

1. The Assistant Commissioner of Central Tax, Central Excise & Service Tax, Medchal GST Range, Medchal Division, Medchal GST Commissionerate, Plot No.16 and 21, 4th Floor, Aditya Towers, Near Check Post, Old Bowenpally, Secunderabad-5 00011.
2. The Superintendent of Central Tax, Central Excise & Service Tax, Medchal GST Range, Medchal Division, Medchal GST Commissionerate, Plot No.16 & 21, 4th Floor, Aditya Towers, Near Check Post, Old Bowenpally, Secunderabad-500011.
3. The Manager, HDFC Bank, S.R.Nagar Branch, 8-3-214/7, Srinivas Nagar, Hyderabad.
4. The Commissioner of Customs and Central Tax, (Appeals-II,)Hyderabad Commissionerate, 7th Floor, GST Bhavan, L.B.Stadium Road, L.B.Stadium Road, Basheerbagh, Hyderabad.
5. The Commissioner of Central Tax, Medchal GST Commissionerate, Telangana.

...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 a Writ, Order or Direction particularly one in the nature of Writ of Mandamus or any other appropriate Writ or Order or Direction declaring :-

(i) the action of the 1st Respondent in passing the impugned Summary of the Order in Form GST DRC 07 dated 07.07.2025 Ref.No.ZD3607250085939 for the year 2017-18 under the CGST Act, 2017 with a total demand of Rs.41,14,209/-, without a pre-assessment

show cause notice regarding the liability, as illegal, arbitrary, contrary to law and in violation of the Principles of Natural Justice and set aside the same as null and void,

(ii) Declaring the action of the 1st respondent in issuing the impugned Garnishee Notice in Form GST DRC-13 dated 04.06.2025 vide Recovery Ref.No.3CEEYP0401S112300488 for the year 2017-18 under Section 79(1)(c) of the CGST Act, 2017 to the 3rd respondent bank i.e. HDFC Bank, S.R.Nagar Branch with there being any demand for the year as illegal, without authority of law and jurisdiction and direct the 1st respondent to refund the said amount of Rs.5,10,682/-.

IA NO: 1 OF 2025

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 suspend the operation of the impugned Summary of the Order in Form GST DRC 07 dated 07.07.2025 passed by the 1st respondent for the Year 2017-18 pending disposal of the Writ Petition as otherwise the Petitioner will be put to irreparable loss and hardship.

Counsel for the Petitioner: SRI. B KRISHNA REDDY

Counsel for the Respondents: DOMINIC FERNANDES (senior standing counsel for CBIC)

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.29193 of 2025

ORDER:

Heard Mr. B.Krishna Reddy, learned counsel for the petitioner and Mr. Dominic Fernandes, learned Senior Standing Counsel for Central Board of Indirect Taxes and Customs (CBIC), appearing for the respondents.

2. The present writ petition is based on the subject matter of the tax period 2017-18 in which both the order-in-original dated 28.11.2023 and the order-in-appeal dated 21.03.2025 show 'nil' liability against the petitioner/tax payer. The proceedings were dropped. Petitioner has been compelled to approach this Court as garnishee notice under Section 79(1)(c) of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as 'the CGST Act') in FORM GST DRC-13 dated 04.06.2025 has been issued for the tax period 01.07.2017 to 01.03.2018 and the FORM GST DRC-07 issued on 07.07.2025 for the same period also erroneously imposes liability of tax, interest and penalty for the same period though the

proceedings before the Adjudicating Officer and the appellate authority ended in its favour.

3. Upon hearing learned counsel for the parties, we, therefore, direct respondent No.1-Assistant Commissioner of Central Tax, Central Excise & Service Tax, Medchal GST Range, Medchal Division, to rectify the two proceedings contained in FORM GST DRC-13 dated 04.06.2025 and FORM GST DRC-07 dated 07.07.2025, both erroneously referring to the tax period 01.07.2017 to 01.03.2018, by invoking his powers under Section 161 of the CGST Act within a period of two weeks from the date of receipt of a copy of this order.

4. The Writ Petition is, accordingly, disposed of. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-M. JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Assistant Commissioner of Central Tax, Central Excise and Service Tax, Medchal GST Range, Medchal Division, Medchal GST Commissionerate, Plot No.16 and 21, 4th Floor, Aditya Towers, Near Check Post, Old Bowenpally, Secunderabad-5 00011.
2. The Superintendent of Central Tax, Central Excise and Service Tax, Medchal GST Range, Medchal Division, Medchal GST Commissionerate, Plot No.16 and 21, 4th Floor, Aditya Towers, Near Check Post, Old Bowenpally, Secunderabad-500011.
3. The Manager, HDFC Bank, S.R.Nagar Branch, 8-3-214/7, Srinivas Nagar, Hyderabad

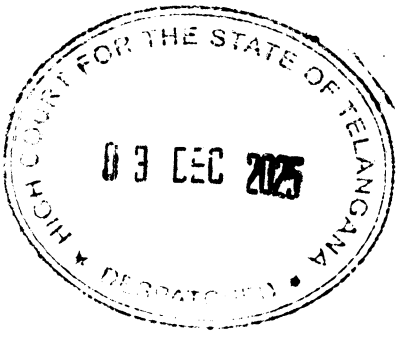
4. The Commissioner of Customs and Central Tax, (Appeals-II,)Hyderabad Commissionerate, 7th Floor, GST Bhavan, L.B.Stadium Road, L.B.Stadium Road, Basheerbagh, Hyderabad.
5. The Commissioner of Central Tax, Medchal GST Commissionerate, Telangana.
6. One CC to SRI. B KRISHNA REDDY, Advocate [OPUC]
7. One CC to SRI. DOMINIC FERNANDES, (senior standing counsel for CBIC) Advocate [OPUC]
8. Two CD Copies

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HIGH COURT

DATED:06/11/2025



ORDER

WP.No.29193 of 2025

DISPOSING OF THE WRIT PETITON WITHOUT COSTS

(19) PA 14/11/25