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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.770 OF 2024
WITH
WRIT PETITION NO.771 OF 2024
WITH
WRIT PETITION NO.773 OF 2024
WITH
WRIT PETITION NO.776 OF 2024
WITH
WRIT PETITION NO.777 OF 2024

Goa Shipyard Limited

A company incorporated under the Laws of India

Having its office at Vasco da Gama Goa-403 802

Through its authorised Representative

Mr. Kishore Manohar Samant

Son of late Manohar Sitaram Sawant

Aged 58 years,

R/o H.No.196/1/10, Surya Nagar Colony,

Zuari Nagar, Sancoale, Goa

..... Petitioner

Versus

Shoft Shipyard Pvt. Limited,

A company incorporated under the Laws of India,

Having its office at

Plot No.A-365,Road No.2B,

Wagle Industrial Estate, Thane- 400 604

through its Representative

R Ram Garg, General Manager,

... Respondent

Mr. S.D. Padiyar, Senior Advocate with Mr. Gaurish Agni and Mr. Prayash Shirodkar, Advocates for the Petitioner.

Mr. Nikhil Pai with Mr. Narsimha Vernekar, Advocates for the Respondent.

CORAM:- VALMIKI MENEZES, J.

DATED :- 6th August, 2025

ORAL JUDGMENT:

1. Heard learned Counsel for the parties.
2. Rule. Rule made returnable forthwith with the consent of the parties.
3. These five petitions arise from five execution applications respectively bearing Nos. SEXA/1/2021, SEXA/3/2021, SEXA/5/2021, SEXA/7/2021 and SEXA/9/2021 which are pending before the Civil Judge Senior Division at Vasco Da Gama. The execution proceedings have been filed by the Respondent herein to execute certain arbitral awards, and the Petitioner, who is common to all the awards, is the Judgment Debtor in those proceedings.
4. An application came to be filed in each one of these proceedings which are at Exh.20 thereof, wherein the Decree-holder sought directions of the Executing Court to the Judgment Debtor, to pay GST @ 18% on the part payment of interest on the amount due under the award. The executing Court has granted the relief and accordingly directed the Petitioner/Judgment Debtor to pay this amount as GST due on the part payment of the interest. It is these five orders that are impugned in these petitions.

5. During the pendency of these petitions, the Respondent submitted that it had applied to the Gujarat Authority for Advance Ruling on Good and Services Tax as to whether GST was at all due on the amounts claimed in the aforesaid five applications in their execution proceedings. A copy of the application filed before the said Authority was also placed on record.

6. Consequently, this Court by order dated 26.02.2025, recorded this position and directed the Executing Court to keep in abeyance further execution of its five impugned orders, restricted to the question of the judgment Debtor making payments of GST on part interest payment.

7. The learned Advocate for the Respondent now places on record order dated 26.06.2025 passed by the Gujarat Authority for Advance Ruling, which has ruled that the Respondent is not liable to pay GST on “interest awarded under arbitration” and “costs awarded under arbitration” received by them in terms of the awards which are subject matter of the five execution proceedings. This being the ruling of the authority, it is now obvious that the decree holders would not have to pay GST on the aforementioned amount received by them. Consequently, the impugned order dated 02.08.2020 which directs the Judgment Debtor/ petitioner herein to make this payment would necessarily have to be quashed and set aside, as GST on the aforesaid payments is not payable, as held by the Advance Ruling Authority. In this view of the matter, the impugned orders are quashed and set aside.

8. Rule is made absolute in terms of the prayer clause (a) of the petitions. No costs.

9. Needless to state that the Executing Court may proceed with the execution of the arbitral awards in accordance with law.

VALMIKI MENEZES, J.