

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

AND

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION Nos.541, 1756, 3097, 3225, 3227, 3252, 3254, 3258 and

3354 of 2026

WRIT PETITION NO: 541 OF 2026

Between:

1. M/s.Golden Traders, 17/691 a, Muthoore, Changaramkulam, North End, Anilathmaja Housing Society, Malappuram, Kerala, 679585, Represented by its Partner Shri. Bijeesh P V, C/o. Mohanan, Aged about 40 years, R/o. Ponnani, Mallapuram, Kerala- 679585
2. M/s FM Trading, 16/952,953, Changaramkulam Naranipuzha Road, Changaramkulam Junction, Alankod, Malappuram, Kerala, 679585, Represented by its Partner Shri. Mohanan P V , Aged about 60 years, R/o. Patterivalappi, Kanhiyur, Mookuthala, Malappuram, Kerala, 679574
3. Sri P Abdul Askar, Driver of the Vehicle S/o P Hamza, Aged About 48 Years, R/o Pankuzhi Veedu House, Edappalam Post, Pattambi, Palakkad, Kerala-679308 DL No KL5219980000314 Vehicle Number KA07B4979

Petitioners

AND

1. The Deputy Assistant Commissioner of State Tax, O/o the Assistant Commissioner of State Tax, Guntakal Circle, Ananthapuramu Division, Ananthapuramu, Andhra Pradesh- 515801
2. State of Andhra Pradesh, Represented by its Principal Secretary, Department, Commercial Taxes A P Secretariat, Velegapudi - 522 503

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction, more particularly a Writ of Mandamus, setting-aside the impugned order in Form GST MOV-11 bearing Reference No. DIN3730122552633 dated 30-12-2025, passed by Respondent No.1 under the provisions of the CGST/APGST Act, 2017, as being void, arbitrary, illegal, without jurisdiction and without authority of law, apart from being violative of Articles 14 19(1)(g) and 265 of the Constitution of India, and consequently direct Respondent No.1 to forthwith release the detained goods and conveyance, without insisting on any fine, penalty or security.

IA NO: 3 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct release of the conveyance, there being no independent allegation or notice against the vehicle owner, Pending disposal of WP 541 of 2026, on the file of the High Court.

IA NO: 2 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct immediate release of the goods under detention, considering that the goods are perishable agricultural produce, and continued detention would result in irreversible loss, deterioration in quality, and destruction of commercial value, Pending disposal of WP 541 of 2026, on the file of the High Court.

IA NO: 1 OF 2026

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 operation of the impugned order in Form GST

DRC 07 bearing Ref. No. ZD371025006307R dated 13.10.2025, Pending disposal of WP 541 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Pasupuleti Venkata Prasad, Advocate for the Petitioners, GP for Commercial Tax for Respondents and the Court made the following.

WRIT PETITION NO: 1756 OF 2026

Between:

M/s T.M. Enterprises, (Through its Proprietor Shri. Taher Mohammad Jabbar Bagasrawala) 43 City Survey, 142 Sheet No.221, Telipura Maskasath Nagpur, Maharashtra - 440 002

Petitioner

AND

1. The Deputy Assistant Commissioner (ST-II), Guntakal Circle, Anantaparamu Division Near Vegetable Market Old Gooty Road, Guntakal - 515 801
2. The Joint Commissioner (ST), Anantaparamu Division Ayakar Bhavan, 3rd Road New Town, Anantapur 515001

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased may be pleased to issue a writ, order or direction, more particularly a writ in the nature of Writ of Certiorari to quash the order bearing DIN3702012626442 / Temporary ID 37250000515ITMP / Acknowledgment No. 1380005 dated 02.01.2026 passed by the 1st Respondent being illegal and arbitrary and set aside the same along with all consequential proceedings, notice / demand notice.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High

Court may be pleased to grant stay of order of the 1st Respondent bearing DIN3702012626442 / Temporary ID 37250000515ITMP / Acknowledgment No. 1380005 dated 02.01.2026 including all consequential proceedings / recovery measures and order provisional release of the goods / conveyances confiscated therein, Pending disposal of WP 1756 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri P N Sunil Kumar Reddy, Advocate for the Petitioner, GP for Commercial Tax for Respondents and the Court made the following.

WRIT PETITION NO: 3097 OF 2026

Between:

M/s. AL Badar Spices, Rep.by its proprietor Shafeek Having its place of business at 6/323B, Athikarippadi Road, Maranchery, Malappuram, Kerala.

Petitioner

AND

1. The Assistant Commissioner (State Tax), Circle-II, Nandyal, Andhra Pradesh-518501.
2. The State of Andhra Pradesh, Rep. by Principal Secretary, Commercial Taxes Department, Amaravati-522020.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the

a) action of the Respondent in issuing Form GST MOV-06 with IRN 1382534 dated 06-01-2026 and the consequential show cause notice Form GST MOV-10 with Ref.No.ZD370126010443U dated 09-01-2026 proposing confiscation of goods under Section 130 of the CGST Act, 2017 is illegal, beyond jurisdiction and non est under law and consequently quash Form GST

MOV-06 with IRN 1382534 dated 06-01-2026 and the consequential show cause notice Form GST MOV-10 with Ref.No.ZD370126010443U dated 09-01-2026 proposing confiscation of goods under Section 130 of the CGST Act, 2017

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the P' Respondent to immediately release the goods and conveyance, which are detained or seized in purported exercise of powers under Sections 129 of the CGST Act, Pending disposal of WP 3097 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Thathireddy Ashok Srivastava, Advocate for the Petitioner, GP for Commercial Tax for Respondents and the Court made the following.

WRIT PETITION NO: 3225 OF 2026

Between:

1. M/s R.G TRADERS, 4/59 A, Alangode, Malappuram,Kerala-679575
Rep By its Proprietor Shri. Sri Ranjith -P, S/o Rajan, Aged about 32 Years
2. M/s. SHIVA TRADERS, Near Kizhepuram Subramaniam Temple, Alamkode Malappuram 679575, Rep. by its Proprietor Shri. Unnikrishnan, S/o Rajan, Aged about 34 Years.
3. M/s. SHAAS TRADERS, 6/242, Ground Floor, Perumannur, Chalissery, Grama Panchayati, Palakkad, Kerela-679536 Rep. by its Proprietor Shri. Sherif TM, S/o Mohammed, Aged about 43 Years.
4. M/s. K.M TRADERS, 14/31-A, Edachalam Road, Kuttippuram-679571
Rep. by its Proprietor Shri. MUSTHAFA KORATH MELETHIL, S/o Hamza, aged about 48 Years

5. M/s. P.C TRADERS, 2/154, Valloor, Eastpattambi, Palakkad, Kerala-679303 Rep. by its Proprietor Shri AZEEZPODUVACHOULA S/o Mommed, Aged about 63 Years.
6. Sri. M. Salih. C., S/o. Kunhalavi C Aged about 49 Years, R/o. Cholaparambath House Pulamanthole, State of Kerala. 679323

Petitioners

AND

1. THE DY. ASSISTANT COMMISSIONER (ST)-III, Office of ASSISTANT COMMISSIONER (ST) Adoni Circle, Andhra Pradesh-518301
2. THE JOINT COMMISSIONER (ST), Kurnool Division, Kurnool, Andhra Pradesh-518001.
3. THE STATE OF ANDHRA PRADESH, Rep by its Principal Secretary, (CT) Department, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh-522237.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction particularly in the nature of Writ of MANDAMUS declaring the action of the 1st Respondent in detaining the goods as per Ext. P-1 Detention Order dt. 19.01.2026 as well as issuing Ext. P-2 notice proposing confiscation dated 21.01.2026 and also the vehicle bearing No. MH 40 CD 9584 intercepted and seized on 12-01-2026 as bad in law on the ground of the goods being undervalued as illegal, arbitrary, unjust, improper, unethical, without authority of law and jurisdiction and violative of principals of natural justice as also violative of Articles 14, 19(1)(g), 21, 265 and 300-A of the Constitution of India, contrary to the provisions of the GST Act 2017 much less section 129 of GST Act and consequently to set aside the same and direct the respondents to bear the demurrages and also all the costs that the Petitioner has beared for all these days.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Direct the Respondent to release the goods along with vehicle bearing No. MH 40 CD 9584, Pending disposal of WP 3225 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri M V J K Kumar, Advocate for the Petitioners, GP for Commercial Tax for Respondents and the Court made the following.

WRIT PETITION NO: 3227 OF 2026

Between:

1. M/s. SHIVA TRADERS, Near Kizhepuram Subramaniam Temple, Alamkode Malappuram 679575, By Proprietor Shri. Unnikrishnan P, S/o Rajan, Aged about 34 Years.
2. M/s. TRILOK TRADERS, 3/337 Ground Hill Changarumkulam Road Kakkadmipuram Alamkode Malappuram 679575 By Proprietor Shri. Akshay Krishna P R, S/o. Radhakrishnan, Aged about 19 Years.
3. Sri. Humayoon Khaleel P.M., S/o. Beeran Kutty P.M. Aged about 49 Years, R/o. Pothenjeeri House, Areacode PO, Kozhakkottoor, Ernad, Malappuram, Kerala. -673639

Petitioners

AND

1. THE DY ASSISTANT COMMISSIONER, (ST)-III Office of ASSISTANT COMMISSIONER (ST) Adoni Circle, Andhra Pradesh-518301.
2. THE JOINT COMMISSIONER (ST), Kurnool Division, Kurnool, Andhra Pradesh-518001.
3. THE STATE OF ANDHRA PRADESH, Rep by its Principal Secretary, (CT) Department, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh-522237.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction particularly in the nature of Writ of MANDAMUS declaring the action of the 1st Respondent in detaining the goods as per Ext. P-1 Detention Order dt. 19.01.2026 as well as issuing Ext. P-2 notice proposing confiscation dated 21.01.2026 and also the vehicle bearing No. KA 01 AS 8694 intercepted and seized on 12-01-2026 as bad in law on the ground of the goods being undervalued as illegal, arbitrary, unjust, improper, unethical, without authority of law and jurisdiction and violative of principals of natural justice as also violative of Articles 14, 19(1)(g), 21, 265 and 300-A of the Constitution of India, contrary to the provisions of the GST Act 2017 much less section 129 of GST Act and consequently to set aside the same and direct the respondents to bear the demurrages and also all the costs that the Petitioner has beared for all these days.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Direct the Respondent to release the goods along with vehicle bearing No. KA 01 AS 8694, Pending disposal of WP 3227 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri M V J K Kumar Advocate for the Petitioners, GP for Commercial Tax for Respondents and the Court made the following.

WRIT PETITION NO: 3252 OF 2026

Between:

1. Mr. Iqbal Deen, S/o. Suker Deen, Aged about 35 years, Occ: Driver R/o. Lohrun (V), Pathankot, Punjab-145022, Driver of the Vehicle No. RJ14GR7811.

2. M/s. NDM Traders Company, Grampanchayat Record No.220, Shikaripura Road, Near- Daskoppa Circle, Masjid Anandapura, ShivaMogga Distict - 577412. State of Karnataka, Rep. by its Proprietor Mr. Syed Nadeem.

Petitioners

AND

1. The Additional Commissioner, Appellate Authority, Tirupati, State of Andhra Pradesh 517501
2. The Deputy Assistant Commissioner (ST)-III, Adoni Circle, Kurnool. State of A.P. 518001
3. The Assistant Commissioner (ST), Kalyanadurgam Circle, Ananthapuram, 515001.
4. The Joint Commissioner (ST), Ananthapuramu Division, Ananthapuramu, AP-515001.
5. The State of Andhra Pradesh, Rep. by its Principal Secretary, (CT) Department, AP Secretariat, Velagapudi, Amaravati, Guntur District, A.P.-522238.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, direction or order more particularly in the nature of a Writ of Mandamus declaring the action of the 1st Respondent in dismissing the Appeal vide Order No. DIN3723012643122 dated 23.01.2026 in Form GST APL-04, against the appeal filed by the 1st Petitioner under Section 107 of the Act, and the 1st Respondent in confirming the order of the 3rd Respondent vide confiscation orders in Form GST MOV-11 dated 10-12-2025, Under Section 130 of the SGST Act/CGST Act, 2017 confiscation of goods belonging to petitioners along with the vehicle vide registration No. RJ-14-GR-7811, has highly arbitrary, high handed, contrary to law, without jurisdiction, bias, frivolous and contrary to the Article 14, 21, 265 and 300A of the Constitution of India and Demanding total amount of 1,39,65,000/- which

comprises of penalty of Rs. Rs. 6,98,250 /- CGST of Rs.3,49,125 /- and SGST of Rs.3,49,125 /-, fine of Rs.6,98,250 /- CGST of Rs.3,49,125 /- and SGST of Rs.3,49,125 / and other charges Rs.1,39,65,000 /- CGST of Rs.66,33,375 /- and SGST of Rs.66,33,375 /- Under Section 130 of the SGST Act/CGST Act, 2017, since the operations of the Appellate Tribunal has not been started till now and to direct the 1st and 3rd Respondents to release the goods along with the Vehicle bearing Nos. RJ-14-GR-7811 by setting aside the appeal order dated 23.01.2026 of the 1st respondent and 3rd Respondent in passing Confiscation order dated 10.12.2025 of the CGST/SGST Act, 2017, as illegal, arbitrary, contrary to the provisions of the GST Act, 2017, contrary to the Circular No.41/15-2018, GST, dt.13-04-2018 issued by the Central Board of Indirect Taxes and Customs and violative of Articles 14, 19(1)(g) and 265 of the Constitution of the India.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd Respondent to release the goods and goods vehicle vide No. RJ-14-GR-7811 forthwith, as per the orders of confiscation in Form GST MOV-11 dt 10.12.2025 issued under section 130 of the SGST/CGST Act, 2017 of the 1st Respondent, by suspending the same, Pending disposal of WP 3252 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Venkatram Reddy Mantur Advocate for the Petitioners, GP for Commercial Tax for Respondents and the Court made the following.

WRIT PETITION NO: 3254 OF 2026

Between:

1. Mr B J Kumar, S/o.Amnik Singh, Aged about 35 years, Occ Driver, R/o: VPO, Jatoli, Thegil Nurpur Kangza State Himachal Pradesh. Driver of the Vehicle No. RJ - 52 -GB- 4457.

2. M/s. NDM Traders Company, Grampanchayat Record No.220, Shikaripura Road, Near Daskoppa Circle, Masjid Anandapura, ShivaMogga Distict -577412. State of Karnataka, Rep. by its Proprietor Mr. Syed Nadeem.

Petitioners

AND

1. The Additional Commissioner, Appellate Authority, Tirupati, State of Andhra Pradesh.
2. The Deputy Assistant Commissioner (ST)-III, Adoni Circle, Kurnool, State of A.P.
3. The Deputy Assistant Commissioner (ST), Circle-II, Ananthapuram, A.P.
4. The Joint Commissioner (ST), Ananthapuramu Division, Ananthapuramu, AP.
5. The State of Andhra Pradesh, Rep. by its Principal Secretary, (CT) Department, AP Secretariat, Velagapudi, Amaravati, Guntur District, A.P.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, direction or order more particularly in the nature of a Writ of Mandamus declaring the action of the 1st Respondent in dismissing the Appeal vide Order No. DIN3723012621362 dated 23.01.2026 in Form GST APL-04, against the appeal filed by the 1st Petitioner under Section 107 of the Act, and the Respondent in confirming the order of the 3rd Respondent vide confiscation orders in Form GST MOV-11 dated 10-12-2025, Under Section 130 of the SGST Act/CGST Act, 2017 confiscation of goods belonging to petitioners along with the vehicle vide registration No. RJ-52-GB-4457, has highly arbitrary, high handed, contrary to law, without jurisdiction, bias, frivolous and contrary to the Article 14, 21, 265 and 300A of the Constitution of India and Demanding total amount of Rs. 1,39,65,000/- which

comprises of penalty of Rs. 6,98,250 /- CGST of Rs.3,49,125 /- and SGST of Rs.3,49,125 /-, fine of Rs.6,98,250 /- CGST of Rs.3,49,125 /- and SGST of Rs.3,49,125 /- and value of goods Rs.1,39,65,000 /- CGST of Rs.66,33,375 /- and SGST of Rs.66,33,375 /- Under Section 130 of the SGST Act/CGST Act, 2017, since the operations of the Appellate Tribunal has not been started till now. and consequently direct the and 3rd Respondents to release the goods along with the Vehicle bearing Nos.RJ-52-GB-4457 by setting aside the appeal order dated 23.01.2026 of the U respondent and 3rd Respondent in passing Confiscation order dated 10.12.2025 of the CGST/SGST Act,2017, as illegal, arbitrary, contrary to the provisions of the GST Act, 2017, contrary to the Circular No.41/15-2018, GST, dt.13-04-2018 issued by the Central Board of Indirect Taxes Customs and violative of Articles 14, 19(l)(g) and 265 of the Constitution of the India.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd Respondent may to release the goods and goods vehicle vide No. RJ-52-GB-4457 forthwith, as per the of confiscation in Form GST MOV-11 dt.10.12.2025 issued under section 130 of the SGST/CGST Act, 2017 of the 1st Respondent, by suspending the same. Pending disposal of WP 3254 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Venkatram Reddy Mantur Advocate for the Petitioners, and the Court made the following.

WRIT PETITION NO: 3258 OF 2026

Between:

1. Mr. Suresh Kumar, S/o. Bajar Singh, Aged about 30 years, Occ Driver, R/o. Lohrun (V), Pathankot, Punjab-145022, Driver of the Vehicle No. RJ-14-G-R7814.

2. M/s. NDM Traders, Grampanchayat Record No.220, Shikaripura Road, Near Daskoppa Circle, Masjid Anandapura, ShivaMogga District - 577412. State of Karnataka, Rep. by its Proprietor, Mr. Syed Nadeem.

Petitioners

AND

1. The Additional Commissioner, (ST), Appellate Authority, Tirupati, State of Andhra Pradesh.517501
2. The Deputy Assistant Commissioner (ST)-III, Circle, Kurnool, A.P. 518001
3. The Deputy Assistant Commissioner (ST)-I, Circle, O/o. Assistant Commissioner (ST)-I, Ananthapur, A.P 515001
4. The Joint Commissioner (ST), Ananthapuramu Division, Ananthapuramu, AP 515001
5. The State of Andhia Pradesh, Rep. by its Principal Secretary, (CT) Department, AP Secretariat, Velagapudi, Amaravati, Guntur District, A.P. 522501

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, direction or order more particularly in the nature of a Writ of Mandamus declaring the action of the 1st respondent in dismissing the Appeal vide Order No. DIN3723012616354 dated 23.01.2026 in Form GST APL-04, against the appeal filed by the Petitioner under Section 107 of the Act, and the 1st Respondent has confirming the order of the 3rd Respondent vide confiscation orders in Form GST MOV-11 dated 01-12-2025, Under Section 130 of the SGST Act/CGST Act, 2017 confiscation of goods belonging to petitioners along with the vehicle vide registration No. RJ-14-GR-7814, has highly arbitrary, high handed, contrary to law, without jurisdiction bias, frivolous and contrary to the Article 14, 21, 265 and 3 00A of the Constitution of India and Demanding total amount of Rs. 1,39,65,000/- which comprises of penalty of Rs. 6,98,250/- (CGST of Rs.3,49,125/- and SGST of

Rs.3,49,125 /-) and imposed fine of Rs.6,98,250/- (CGST of Rs.3,49,125 /- and SGST of Rs.3,49,125 /-) and other charges total of Rs. 1,32,66,375 /- (CGST of Rs.66,33,375/- and SGST of Rs.66,33,375 /-) Under Section 130 of the SGST Act/CGST Act, 2017, since the operations of the Appellate Tribunal has not been started till now. and consequently direct the U and 3rd Respondents to release the goods along with the Vehicle bearing Nos.RJ-14-GR-7814 by setting aside the appeal order dated 23.01.2026 of the 1st respondent and 3rd Respondent in passing Confiscation order dated 01.12.2025 of the CGST/SGST Act, 2017, as illegal, arbitrary, contrary to the provisions of the GST Act, 2017, contrary to Circular No.41/15-2018, GST, dt. 13-04-2018 issued by the Central Board of Indirect Taxes and Customs and violative of Articles 14, 19(l)(g) and 265 of the Constitution of the India and consequently set aside the same.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd Respondent to release the goods and goods vehicle vide No. RJ-14-GR-7814 forthwith, as per the orders of confiscation in Form GST MOV-11 dt.01-12-2025 issued under section 130 of the SGST/CGST Act, 2017 of the 1st Respondent, by suspending the same, Pending disposal of WP 3258 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Venkatram Reddy Mantur, Advocate for the Petitioners, GP for Commercial Tax for the Respondents and the Court made the following.

WRIT PETITION NO: 3354 OF 2026

Between:

M/s. Sreekrishna Traders, Ground Floor, 92/1, Mookuppe Circle, Main Road, Thagarthi Sub Post Office Thygarthi, Shivamogga, Karnataka.
Represented by its Proprietor, Mr. Manjunath Nayak, S/o Mohandas

Nayak, aged about 55 Years, residing at Shedivaku House, Koipady, Kasargod, Kerala- 671321.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by Principal Secretary, (ST), Secretariat, Velagapudi. Amaravati, Guntur District-522237.
2. The Deputy Assistant Commissioner (ST)-I, Hindupur Circle, Dhanalakshmi Road, Hindupur Ananthapuram, Andhra Pradesh- 515201.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, direction or order more particularly in the nature of a Writ of Certiorari, quashing the show cause notice Form GST MOV-10 dated 17.11.2025 issued by the 2nd Respondent under Section 130 of the COST Act and SGST Act, the revised show cause notice Form GSTMOV-10 dated 01.12.2025, issued by the 2nd Respondent, the Confiscation Order Form GST MOV-11, dated 14.12.2025 and Summary Order Form GST DRC- 07, dated 15.12.2025 as being void, illegal, without jurisdiction, discriminatory and violative of Articles 14 and 19(1)(g) of the Constitution of India and violative of Article 265 and also Article 286 of the Constitution of India, consequently ting the 2nd Respondent to release the goods and conveyance without demanding any security.

IA NO: 2 OF 2026

Petition under Section 151 CPC is filed 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 and consequential actions pursuant to Confiscation Order Form GST MOV-11 dated 14.12.2025 passed under Section 130 of the CGST Act, Summary Order Form GST DRC- 07 dated 15.12.2025 and release the goods and conveyance in favour of the

Petitioner on payment of the tax amount, Pending disposal of WP 3354 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Akula Vamsi Krishna Advocate for the Petitioners, GP for Commercial Tax for Respondents and the Court made the following.

ORDER

Heard Sri P. Girish Kumar, learned Senior Counsel appearing for the petitioner, Sri V. Raghuraman, learned Senior Counsel appearing for the petitioner, Sri M. V. J. K. Kumar, learned counsel for the petitioner, Sri Pasupuleti Venkata Prasad, learned counsel for the petitioner and Sri Sameer Gupta, learned counsel appearing on behalf of Sri Akula Vamsi Krishna, learned counsel for the petitioner and Sri R. Kalyan Chakravarthy, learned Government Pleader for Commercial Taxes appearing for the respondents.

2. The matters have been heard finally and reserved for judgment in the main cases.

3. However, since all the issues relate to seizure/confiscation of goods, which were in transit and interlocutory applications for release of such goods, are pending, it would be necessary to pass orders in the present set of interlocutory applications. The details of the interlocutory applications filed by the petitioners are given herein below:

Writ Petition No.	Name of the Petitioner	Interlocutory Applications filed for release of such goods or vehicles
541 of 2026	M/s. Golden Traders & Others	I.A.Nos.1 to 3 of 2026
1756 of 2026	M/s.T. M. Enterprises	I.A.No.1 of 2026
3097 of 2026	M/s. AL Badar Spices	I.A.No.1 of 2026

3225 of 2026	M/s. R. G. Traders & Others	I.A.No.1 of 2026
3227 of 2026	M/s.Shiva Traders & Others.	I.A.No.1 of 2026
3252 of 2026	Mr. Iqbal Deen & another	I.A.No.1 of 2026
3254 of 2026	Mr. B. J. KUMAR & another	I.A.No.1 of 2026
3258 of 2026	Mr. Suresh Kumar & another	I.A.No.1 of 2026
3354 of 2026	M/s. Sreekrishna Traders	I.A.No.2 of 2026

4. In all these cases, proceedings have been initiated under Section 129 or Section 130 of the Central Goods and Services Act, 2017, on the ground that, there has been gross under-valuation of goods in transit. There is no dispute that the documents, specified under Section 68 of the Goods and Services Act, 2017, were available in all the cases, except in W.P.No.3258 of 2026.

5. Though, a large number of issues have been raised and argued before this Court, the question of whether the Authorities at a check post can go into the question of valuation of goods, is the issue which needs to be considered, in relation to any directions for release of goods.

6. This issue has been considered by various High Courts. The Hon'ble High Court of Kerala at Ernakulam in the case of *Alfa Group Vs. The Assistant State Tax Officer, State Goods and Service Tax Department & Ors*¹, had held that the question of valuation, cannot be undertaken under proceedings initiated under Section 129/under Section 130 of the G.S.T. Act. The High Court of Chhattisgarh in the case of *K. P. Sugandh Ltd. & Ors. Vs. State of Chhattisgarh & Ors.*², had also taken

¹ 2020 (34) G.S.T.L. 142

² 2020 (38) GSTL 317

the same view. The erstwhile High Court of Andhra Pradesh, while considering the same provisions, under the A.P.G.S.T. Act, in a judgment, dated 04.12.2014, in W.P.No.2952 of 2000, had also taken the view that the question of valuation and tax payable on such goods, would have to be referred to the Assessing Authority. This principle was again reiterated by another Division Bench of the erstwhile High Court of Andhra Pradesh in the case of *Patel Angadia and Company Vs. Assistant Commercial Tax Officer and Ors.*³. Apart from this, the Hon'ble High Court of Gujarat in the case of *Panchi Traders Vs. State of Gujarat*⁴ and the Hon'ble High Court at Allahabad in the case of *Shamhu Saran Agarwal & Company Vs. Additional Commissioner Grade*⁵, had also held that, the issues of valuation cannot be taken up by the Officials at check post under the provisions of Section 129 or Section 130 of the G.S.T. Act.

7. Apart from the above views taken by the various High Courts, another aspect that appears relevant is the question of whether the Authorities, of a check post, of a State, through which the goods are passing, while being transported from one State to another State, can confiscate or levy penalties on goods, which are in transit. The provisions of Section 129 & Section 130 of the G.S.T. Act are to ensure due compliance of the taxation laws. This is to ensure that there is no loss of to the State where the tax is payable. In such a situation, the right or jurisdiction of the Tax Authorities of another State to levy penalties or to confiscate goods, on the ground of evasion of tax in another State does not appear to be a reasonable exercise of power.

8. For all the aforesaid reasons, this Court is of the view that the goods, which have been seized or confiscated under various impugned orders, would require to be released.

³ 1997 (3) ALD 682; (1997) 25 APSTJ 1

⁴ 2025 (12) TMI 941

⁵ 2024 (84) GSTL 181 (All.)

9. As far as W.P.No.3258 of 2026, is concerned, the contention of the respondents is that, the vehicle in question was inspected by the Officials and subsequently, by the proper Officer, who had a complaint from the said Officials, that the driver of the vehicle was not willing to reveal any details. The respondents also contended that, on account of the refusal of the driver to give any details, online verification was done, and it was found that, there were no E-Way Bills issued for the consignment in question.

10. The contention is that the petitioner, having realized that his consignment was under inspection, had got an E-Way Bill prepared, after the first inspection has been completed and forwarded it to the driver of the vehicle.

11. In such circumstances, this Court cannot accept the fact that there was inspection much prior to the actual inspection, which was recorded in Form – A.

12. Rule 138C of the C.G. & S.T. Rules, 2017, requires a summary report of every inspection of the goods in transit to be recorded online by the proper officer in Part A within 24 hours of inspection and a final report in Part B to be recorded within three (03) days of such inspection.

13. In the present case, there were two inspections, according to the respondents.

14. The first inspection has not been recorded and no report has been placed online. A report has been prepared for the second inspection and placed online. In this report, there is no mention about inspection of the vehicle earlier.

15. Accordingly, all the above mentioned interlocutory applications in the above table, are allowed and the goods shall be released to the petitioners.

16. Before parting with this Order, it is also necessary to record the fact that the manner of valuation, conducted by the Officials has been extremely one-sided and would not withstand scrutiny. The Authorities

simply sent some samples to an Organization in Karnataka for valuation. It appears that these samples were collected in the absence of the petitioners and without their participation of the collection in samples.

17. In such circumstances, it would be necessary to direct the respondents to draw samples from all these consignments. In such a manner that the said samples are divided into three (03) parts with one part being retained by the respondents; one part being sent to the respective Jurisdictional Assessing Officer and one part being given to the petitioners.

18. Needless to say, these samples will be kept in sealed containers, with the seals being countersigned by both the Officers, who shall draw the samples, and the petitioners or their representatives. It would be open to the Jurisdictional Assessing Officer to take up further proceedings, on the basis of such samples.

19. In the event of any vehicles having been seized or detained, the same shall also be released.

SDI-K.V.RAGHAVULU
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Deputy Assistant Commissioner of State Tax, O/o the Assistant Commissioner of State Tax, Guntakal Circle, Ananthapuramu Division, Ananthapuramu, Andhra Pradesh- 515801
2. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Commercial Taxes A P Secretariat, Velegapudi - 522 503
3. The Deputy Assistant Commissioner (ST-II), Guntakal Circle, Anantaparamu Division Near Vegetable Market Old Gooty Road, Guntakal - 515 801

4. The Joint Commissioner (ST), Anantaparamu Division Ayakar Bhavan, 3rd Road New Town, Anantapur 515001
5. The Assistant Commissioner (State Tax), Circle-II, Nandyal, Andhra Pradesh-518501.
6. The Principal Secretary, Commercial Taxes Department, State of Andhra Pradesh, Amaravati-522020.
7. The Dy. Assistant commissioner (ST)-III, Office of ASSISTANT COMMISSIONER (ST) Adoni Circle, Andhra Pradesh-518301
8. The Joint Commissioner (ST), Kurnool Division, Kurnool, Andhra Pradesh-518001.
9. The Additional Commissioner, Appellate Authority, Tirupati, State of Andhra Pradesh 517501
10. The Deputy Assistant Commissioner (ST)-III, Adoni Circle, Kurnool. State of A.P. 518001
11. The Assistant Commissioner (ST), Kalyanadurgam Circle, Ananthapuram, 515001.
12. The Joint Commissioner (ST), Ananthapuramu Division, Ananthapuramu, AP-515001.
13. The Deputy Assistant Commissioner (ST)-I, Hindupur Circle, Dhanalakshmi Road, Hindupur Ananthapuram, Andhra Pradesh-515201.
14. One CC to Sri. M V J K Kumar, Advocate [OPUC]
15. One CC to Sri. Akula Vamsi Krishna, Advocate [OPUC]
16. One CC to Sri Venkatram Reddy Mantur, Advocate [OPUC]
17. One CC to Sri. Thathireddy Ashok Srivastava, Advocate [OPUC]
18. One CC to Sri. P N Sunil Kumar Reddy, Advocate [OPUC]
19. One CC to Sri. Pasupuleti Venkata Prasad, Advocate [OPUC]
20. Two Spare copies.

ADP

HIGH COURT

**RRR,J
&
TCDS,J**

DATED:16/02/2026

ORDER

**WRIT PETITION Nos.541, 1756, 3097, 3225, 3227, 3252, 3254, 3258 and
3354 of 2026**

DIRECTION

