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Judgment No.: 120
Dt.: 29-04-2024

Judgment Deals With

Section/Rule	Section 6
Authority	Telangana High Court
Case Name	M/s. Dott Services Limited VS State of Telangana
Dated	21st March, 2024

Brief Facts of the Case:

The Demand Order DRC-07, dated 30.12.2023, for the tax period July, 2017 to March, 2018 has been challenged.

Contention of the Petitioner:

The impugned order is bad for the reason that for the same cause of action, the Central Authority has already initiated action and has passed the Order-in-Original on 31.10.2023. The said order passed is already under challenge before this Court and there is also an interim order granted by this very Bench on 12.01.2024. Under the provisions of Section 6 of CGST Act, the Demand Order now been issued by State authority, is per se bad, illegal and unsustainable.

Findings & Decision of the Court:

Considering the provisions of Section 6 of CGST Act, what is apparently evident is that once when the proceedings have already been drawn and finalized on the same set of facts and issue, there cannot be subsequent proceedings again drawn.

Undisputedly, in the instant case, Central Authority had already initiated proceedings and had concluded the same by passing the Order-in-Original on 31.10.2023. Mere not uploading of the order passed by the Central Authorities does not by itself empowers the State agencies to again initiate the proceedings in which the Central Authority has already initiated and passed an Order-in-Original.

Given the said facts and circumstances of the case and in the teeth of Section 6 of the CGST Act, the impugned Demand Order dated 30.12.2023 for the tax period July, 2017 to March, 2018 would not be sustainable and the same was quashed.