IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE THE ACTING CHIEF JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT PETITION No.37708 OF 2026
(CNR No.HBHC010772862026)

Dated: 06.11.2026

Between:

M/s. Bhansali Marble Enterprises

…Petitioner

AND

The Deputy State Tax Officer,
Yousufguda Circle, Begumpet Division,
H.No.6-3-789, North Wing, 6th Floor,
Pavani Prestige, Ameerpet, Hyderabad,
Telangana and 3 others

…Respondents

ORDER: *(per the Hon'ble the Acting Chief Justice P.Sam Koshy)*

Heard Sri P. Venkat Prasad, learned counsel representing P.V. Prasad Associates, learned counsel for the petitioner and Sri K. Sai Akarsh, learned Assistant Government Pleader for State Tax, appearing for the respondents.

2. The present is the Writ Petition which has been filed assailing the order dated 30.09.2026 in Form GST REG-19 passed by respondent No.1 cancelling the Goods and Services Tax (GST) registration of the petitioner on the grounds of fraud, willful misstatement or suppression of facts.

3. The case of the petitioner is that it is engaged in trading of marble and granite from the ground floor of the premises bearing H.No.8-3-833/68, Kamalapuri Colony, Extn. Srinagar Colony, Hyderabad. The petitioner is a tenant of the said premises. A Rental Agreement dated 12.05.2017 was executed by Smt. B. Ramamani, as the lawful owner, in favour of the petitioner. The petitioner got registered under the Goods and Services Tax Act, 2017, with effect from 01.07.2017. Subsequently, by a registered Gift Deed, dated 12.03.2021, Smt. B. Ramamani appears to have transferred the ownership of the said premises to her son, Dr. B. Venkateshwar Rao. While so, the Proprietor of the petitioner firm filed O.S.No.5317 of 2025 before the learned V Junior Civil Judge, City Civil Court, Hyderabad, against Smt. B. Ramamani and her son seeking perpetual injunction. The said Dr. B. Venkateshwar Rao filed O.S.Nos.751 of 2026 and 968 of 2026 on the file of learned V Junior Civil Judge, City Civil Court, Hyderabad, seeking perpetual injunction and eviction of the petitioner from the said premises, respectively. The said Dr. B. Venkateshwar Rao also lodged a complaint before respondent No.2 alleging that the petitioner obtained GST registration in respect of his property without his express permission or consent. Based on the said complaint, a show-cause notice was issued and the petitioner filed its reply. By impugned order dated 30.09.2026, the GST registration of the petitioner

was cancelled on the ground that the petitioner obtained the same by means of fraud, willful misstatement or suppression of facts.

4. Learned counsel for the petitioner submits that the issue involved in the present Writ Petition is squarely covered by the common order dated 02.09.2025 passed by a Coordinate Bench of this Court in W.P.Nos.10470 and 10834 of 2020. Paragraph Nos.20 to 25 of the said order read as under:

> "20. This Court is of the considered opinion that the civil disputes and/or conflicting claims like the genuineness and validity of instruments like will, succession etc., should not be adjudicated by the TSGST authorities and that the appropriate jurisdiction in such matters lies with the Civil Court.
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> 21. We have noticed that this Court in W.P.No.10470 of 2020 (filed by the sons) by interim order dated 17.07.2020 suspended the GST registration certificate bearing GSTN 36ACPPY7866D1ZR dated 03.01.2020, granted in favour of respondent No.5 therein (grandson) and that respondent No.5 therein (grandson) filed I.A.No.2 of 2020 in W.P.No.10470 of 2020, for vacating the interim order. We hereby allow I.A.No.2 of 2020 and revoke the suspension of GST registration certificate bearing GSTN 36ACPPY7866D1ZR dated 03.01.2020.
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> 22. In W.P.No.10470 of 2020, this Court is of the view that since the partition suit *vide* O.S.No.283 of 2020 is pending on the file of the VIII Additional District and Sessions Judge, Ranga Reddy District, petitioner Nos.1 to 3 (plaintiffs in the said Suit) have the right to claim their share in the property including the business(es) of late Sri Anand Swaroop Agarwal in the said Suit. Respondent No.4 shall take action in accordance with law in the matter of initiating cancellation proceedings of the GST registration in favour of the 'grandson' in respect of M/s. A.P. Products, after the determination of the rights of the parties in the said Suit.
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> 23. We have also noticed that similarly in I.A.No.1 of 2020 in W.P.No.10834 of 2020 (filed by the grandson), this Court passed an interim order suspending the GST registration certificate bearing GSTN 36ABQFA8812MIZU, dated

> 28.03.2020 of respondent Nos.4, 5 and 6 therein (sons) and that respondent Nos.4, 5 and 6 therein (sons) have filed I.A.No.1 of 2021 in W.P.No.10834 of 2020 for vacating the interim order. We hereby allow I.A.No.1 of 2021 in W.P.No.10834 of 2020 and revoke the suspension of GSTN 36ABQFA8812MIZU, dated 28.03.2020.
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> 24. In W.P.No.10834 of 2020, this Court is of the view that since the partition Suit *vide* O.S.No.283 of 2020 is pending on the file of the VIII Additional District and Sessions Judge, Ranga Reddy District, the petitioner (arrayed as defendant No.6 in the said Suit) has the right to claim his share in the property including the business(es) of late Sri Anand Swaroop Agarwal in the said Suit. Respondent No.3 shall take action in accordance with law in the matter of verification of propriety and legality of issuance of GST registration in favour of the 'sons' in respect of M/s. A.P. Products after the determination of the rights of the parties in the said Suit.
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> 25. Accordingly, the Writ Petitions are disposed of. There shall be no order as to costs."

5. The aforesaid submission is not disputed by the learned Assistant Government Pleader for State Tax.

6. In the instant case, admittedly, the petitioner is said to be in possession of the subject premises as a tenant and suits for eviction and perpetual injunction filed by the respective parties are pending before the competent Civil Court and no positive restraint orders passed against the petitioner are filed. Therefore, the impugned cancellation order passed by the respondent authorities on the grounds of fraud, willful misstatement or suppression of facts, of pendency of civil suits, is unsustainable. Further, it is apposite to observe that the petitioner cannot be dispossessed from the

subject premises, without a decree from the Civil Court. Thus, the impugned order dated 30.09.2026 is liable to be set aside.

7. In view of the same, and for the reasons alike in the aforesaid common order, dated 02.09.2025, passed in W.P.Nos.10470 and 10834 of 2020, the impugned order dated 30.09.2026 is set aside and the petitioner's GST registration is hereby restored.

8. Accordingly, this Writ Petition stands disposed of. However, it shall not preclude the respondent authorities to take action, in accordance with law, subject to the final outcome and adjudication of the aforementioned Civil Suits. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

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P.SAM KOSHY, ACJ

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SUDDALA CHALAPATHI RAO, J

Date: 06.11.2026
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