



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 22<sup>ND</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**

**WRIT PETITION NO. 12742 OF 2026 (GM-RES)**

**BETWEEN:**

M/S. S S ALUR CONSTRUCTION COMPANY  
A PARTNERSHIP FIRM  
HAVING ITS REGISTERED OFFICE AT  
2ND FLOOR, VAISHNAVI HEIGHTS,  
NEAR IBRAHIMPUR RAILWAY GATE,  
OPPOSITE TO KSFC, VIVEK NAGAR EAST,  
VIJAYAPURA, KARNATAKA - 586 109

ALSO AT FLAT NO. 1121-A,  
SOBHA INDRAPRASTHA,  
12TH FLOOR, OLD MYSORE ROAD,  
GOPALPURA, BANGALORE - 560 023.

REPRESENTED HEREIN BY ITS PARTNER,  
MR. S.S. ALUR, S/O SANGAPPA  
AGED ABOUT 59 YEARS OLD,  
RESIDING AT NO. 26/27,  
SANGAMESHWAR, K K COLONY,  
NEAR JALA NAGAR, BIJAPUR,  
KARNATAKA - 586 109.

...PETITIONER

(BY SRI. SANDEEP HUILGOL, ADVOCATE)

**AND:**

1. THE CHIEF ENGINEER,  
PIU STATE HIGHWAY DEPARTMENT,





SHDP ANNEX BUILDING KPWD,  
KR CIRCLE, NRUPATUNGA ROAD,  
BENGALURU, KARNATAKA - 560 001.

2. EXECUTIVE ENGINEER,  
PUBLIC WORKS DEPARTMENT (PWD),  
STATION ROAD, NEAR KANDAGAL RANGAMANDIR  
VIJAYAPURA, KARNATAKA - 586 101.
3. PWD EXECUTIVE ENGINEER,  
SECTOR NO. 23, NAVANAGAR,  
BAGALKOTE, KARNATAKA - 587 103.
4. EXECUTIVE ENGINEER,  
KRISHNA BHAGYA JALA NIGAM LIMITED (KBJNL)  
MLI DIVISION -3, ALAMATTI DAM SITE,  
BASAVANA BAGEWADI, VIJAYAPURA,  
KARNATAKA - 586 201.
5. EXECUTIVE ENGINEER,  
KBJNL, ARBC DIVISION,  
HUNAGUND, KARNATAKA - 587 118.
6. EXECUTIVE ENGINEER,  
NH DIVISION,  
PWD SUB DIVISION OFFICER BACK SIDE,  
STATION ROAD, VIJAYAPURA,  
KARNATAKA - 586 104.
7. EXECUTIVE ENGINEER,  
MI DIVISION, OPPOSITE KPTTEL OFFICER,  
BAGALKOTE ROAD, VIJAYAPURA,  
KARNATAKA - 586 101.
8. EXECUTIVE ENGINEER,



PROJECT DIVISION BAGALKOT,  
OLD PWD COMPOUND,  
KALADAGI ROAD, BAGALKOTE,  
KARNATAKA - 587 101.

9. EXECUTIVE ENGINEER,  
PROJECT DIVISION VIJAYAPUR,  
BADIKAMAN ROAD,  
VIJAYAPURA, KARNATAKA - 586 101.

...RESPONDENT

(BY SRI. ADITYA DIWAKAR, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (I) DIRECTING THE RESPONDENTS TO IMMEDIATELY PAY TO THE PETITIONER PRINCIPAL OUTSTANDING THE AMOUNT OF THE RS. 17,29,50,226/-, BEING THE GST PAYABLE BY RESPONDENTS TO THE PETITIONER FOR THE SUBJECT TAX PERIODS, TOGETHER WITH INTEREST THEREON WHICH IS TO BE COMPUTED FROM THE RESPECTIVE DATES ON WHICH THE PETITIONER REMITTED THE SAID AMOUNT OF GST TO THE TAX AUTHORITIES TILL THE DATE(S) ON WHICH THE AMOUNT(S) IS PAID TO THE PETITIONER AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



### **ORAL ORDER**

The captioned petition is filed by the petitioner/company seeking direction to the respondents to pay the outstanding GST amount of Rs.17,29,50,226/- along with interest at 18%.

2. Heard learned counsel for the petitioner and learned AGA. Perused the materials placed on record.

3. The petitioner–Company contends that it has duly executed the works entrusted by the respondent–State and its instrumentalities in terms of the contractual arrangements. It is averred that upon completion of the assigned works, the petitioner has raised invoices towards the value of work executed, inclusive of the applicable tax component, which are placed on record as Annexures–C and D. It is the specific grievance of the petitioner that despite submission of detailed representations dated 29.07.2024 and 03.08.2024 (Annexures–A1 to A9) seeking reimbursement of the Goods and Services Tax (GST) component, there has been a complete inaction on the part of respondent Nos.1 to 9 in considering and adjudicating the said representations. The petitioner would assert that such inaction is arbitrary and violative of Articles 14



and 300-A of the Constitution of India, as the amounts lawfully due to it remain withheld without any justifiable cause.

4. Placing reliance on the judgment rendered by this Court in ***M/s B.H. Gangadharachar v. State of Karnataka in W.P.No.5354/2026***, learned counsel for the petitioner would contend that the issue relating to reimbursement of differential tax liability arising on account of transition from the pre-GST regime to the post-GST regime, particularly in the context of works contracts, is no longer *res integra*. It is submitted that this Court, in the said decision as well as in a catena of subsequent judgments, has unequivocally held that where the contractor has discharged the statutory liability of GST on the works executed, the burden of such tax, being in the nature of an indirect levy, is liable to be borne by the service recipient, namely, the State or its instrumentalities. Therefore, it is contended that the respondent–State is legally obligated to reimburse the GST component paid by the petitioner.

5. This Court, having given anxious consideration to the rival submissions and upon perusal of the material on record,



finds that the controversy involved in the present petition stands squarely covered by the settled principles laid down by this Court in the aforesaid decision and other binding precedents. It is well settled that under the scheme of the Goods and Services Tax regime, the liability to remit tax to the Government is cast upon the supplier; however, the incidence of such tax is ultimately intended to be borne by the recipient of the service. In the context of works contracts executed for the State, once the contractor establishes that it has discharged the GST liability in accordance with law, the corresponding obligation to reimburse the tax component would fall upon the respondent-State.

6. Regard being had to the statutory framework, more particularly Section 13 of the Goods and Services Tax Act, 2017, which governs the time of supply of services and the crystallization of tax liability, this Court is of the considered view that the petitioner, having discharged the tax liability, cannot be left remediless. The continued inaction on the part of the respondents in not considering the representations and in not reimbursing the GST component, despite the issue being



settled by judicial pronouncements, is wholly unjustified and warrants interference under Article 226 of the Constitution of India.

7. In that view of the matter, this Court is satisfied that a case is made out for issuance of a writ of mandamus directing the respondents to consider the petitioner's claim and effect reimbursement of the GST component along with applicable interest.

8. Accordingly, this Court proceeds to pass the following:

**ORDER**

i. The writ petition is hereby ***allowed***;

ii. A writ of mandamus is issued directing respondent Nos.1 to 9 to consider the representations dated 29.07.2024 and 03.08.2024 submitted by the petitioner-Company, produced at Annexures-A1 to A9, and to reimburse the GST component payable on the value of the work executed by the petitioner, together with applicable interest, in accordance with law;



iii. The aforesaid exercise shall be completed by the respondents within a period of three (3) months from the date of receipt of a certified copy of this order;

iv. It is made clear that the respondents shall not deny the claim of the petitioner on technical grounds, if the liability to reimburse the GST component is otherwise established in terms of the settled position of law declared by this Court.

**Sd/-**  
**(SACHIN SHANKAR MAGADUM)**  
**JUDGE**