

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTIETH DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**WRIT PETITION NO: 21867 OF 2005**

**Between:**

FATEH MAIDAN CLUB, L.B.Stadium Hyderabad 500 001 Rep by its chairman  
Mr.G.Kamalakar Reddy S/o.G.Ramachandra Reddy, aged 50 years, r/o  
Hyderabad

**...PETITIONER**

**AND**

1. UNION OF INDIA, rep by its Secretary, Ministry of Finance Department of  
revenue Government of India, South block, New Delhi.
2. The Commissioner of Customs, Kendriya Shulk Bhavan, Basheerbagh,  
Hyderabad,

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the  
circumstances stated in the affidavit filed therewith, the High Court may be  
pleased to issue a appropriate writ, direction or order especially in the nature of  
writ of mandamus declaring the provisions of Clause (25a) and Clause (105)  
(ZZZe) of Section 65 of the Finance Act 1994 as inserted by Finance Act 2005 s  
being ultravires the legislative powers of the Parliament and ultravires the  
provisions of constitution of India more particularly entry 92C of List I of Scheduel  
VII to the Constitution of India.

**I.A. NO: 1 OF 2005(WPMP. NO: 28064 OF 2005)**

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  
restrain the respondents from collecting service Tax pursuant to the amendment  
brought in by Finance Act 2005 by insertion of Clause (25a) and Clause (105)  
(ZZZe) of Section 65 of the Finance Act 1994.

**Counsel for the Petitioner: SRI. S RAVI**

**Counsel for the Respondents: SRI GADI PRAVEEN KUMAR DY. SOLICITOR  
GENERAL OF INDIA**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT PETITION No.21867 of 2005**

**ORDER:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Ms. Ande Vishala, learned counsel representing Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for respondent No.1.

2. In this writ petition, petitioner has challenged constitutional validity of Clause (25a) and Clause (105) (zzze) of Section 65 of the Finance Act, 1994.

3. The petitioner is a club registered under the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 Fasli and the petitioner is an association of persons, each member contributing funds by means of entrance fee, periodical subscriptions and other charges, out of which expenses of the club are met. The

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club is a social and recreational association of the members, which is not conducted for any profit or gain.

4. It is stated at the Bar that Supreme Court in **State of West Bengal v. Calcutta Club Limited<sup>1</sup>** has held that Clause (25a) of Section 65 of the Finance Act, 1994 is unconstitutional.

5. In view of aforesaid enunciation of law by the Supreme Court in **State of West Bengal** (supra), the Writ Petition is allowed.

Miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

(2019) 19 SCC 107

That Rule Nisi has been made absolute as above.

Witness the Hon'ble the Chief Justice UJJAL BHUYAN, on this Tuesday, The Twentieth Day Of August Two Thousand And Twenty Four

SD/-K.AMMAJI  
ASSISTANT REGISTRAR  
SECTION OFFICER

//TRUE COPY//

To,

1. The Secretary, UNION OF INDIA, Ministry of Finance Department of revenue Government of India, South block, New Delhi.
2. The Commissioner of Customs, Kendriya Shulk Bhavan, Basheerbagh, Hyderabad.
3. One CC to SRI. S RAVI Advocate [OPUC]
4. One CC to Sri Gadi Praveen Kumiar, Deputy Solicitor General of India [OPUC]
5. Two CD Copies

KKS  
BSR *KS*

**HIGH COURT**

**DATED:20/08/2024**

**ORDER**

**WP.No.21867 of 2005**



**ALLOWING THE WRIT PETITION  
WITHOUT COSTS**

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