ITEM NO.9 COURT NO.8 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(Civil) No. 657/2025

ASEEM JUNEJA Petitioner(s)

VERSUS

UNION OF INDIA Respondent(s)

(FOR ADMISSION)
(IA No. 158697/2025 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 06-10-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Petitioner-in-person

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Application seeking permission to appear and argue-in-person is allowed.

2. The petitioner appearing-in-person has prayed for the following reliefs:-

> *"(a) Issue an appropriate writ, order or direction declaring the Securities Transaction Tax (STT) as unconstitutional and void, being in violation of Articles 14, 19(1)(g}, and 21 of the Constitution of India.*
>
> *(b) Or in the alternative, issue a writ of mandamus or any other appropriate writ, order, or direction to the respondent to adjust the STT so paid in the financial year against the short term or long term capital gains tax, as may be applicable at the year end, like Tax Deducted at Source (TDS) is adjusted at the financial year end from a salaried professional.*
>
> *(c) Pass any other order as this Hon'ble court may deem fit and proper."*

3. The principal argument canvassed before us is that the Securities Transaction Tax is the only tax levied in the country on the mere act of carrying out a profession and is sought to be levied irrespective whether there is a profit derived or not.

4. This, according to the petitioner, renders the levy almost punitive or deterrent in nature. Otherwise, according to the petitioner, all other taxes in India are levied on the profit at the year end but the STT is levied even if the stock market trader is operating in a loss.

5. Issue notice, returnable in four weeks.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)1