



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 6872 OF 2026 (T-RES)

BETWEEN:

M/S. MAHALAKSHMI AGENCIES,
NO.8, 2ND CROSS, GB LANE,
COTTONPET, BANGALORE URBAN,
BENGALURU-560 053.
(A PROPRIETARY CONCERN
OWNED BY MOHAN LAL, PROPRIETOR,
S/O CHHOGARAM, AGED ABOUT 59 YEARS,
AUTHORISED REPRESENTATIVE)

...PETITIONER

(BY SRI. Y.C. SHIVAKUMAR, ADVOCATE)

AND:

THE ASSISTANT COMMISSIONER OF COMMERCIAL
TAXES, LGSTO-11,
6TH FLOOR, M.M. TRUST BUILDING,
A.V.ROAD, CHAMARAJPET,
BENGALURU-560 018.

...RESPONDENT

(BY SRI. K. HEMA KUMAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE EX-PARTE ORDER UNDER SECTION 73 OF THE GST
ACTS, DATED 22-11-2025, BEARING NO.ACCT/LGSTO -
11/2024-25, PASSED BY THE RESPONDENT, AS AT ANNEXURE-
A AND ETC.,

Digitally
signed by
VIJAYA P
Location:
HIGH COURT
OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

Sri. K. Hemakumar, learned Additional Government Advocate accepts notice for the respondent.

2. The petitioner has called in question the validity of the order passed under Section 73 of the Karnataka Goods and Services Tax Act. It is the case of the petitioner that the proceedings have culminated in an ex-parte order. The petitioner has also challenged the validity of the order for rectification at Annexure-G1, whereby application filed by the petitioner seeking rectification also came to be dismissed.

3. The application for rectification came to be rejected on the ground that there was no mistake apparent on face of the record nor was there any arithmetic/clerical error, while also noticing that the



assessee had failed to participate in the proceedings relating to assessment.

4. Perused the order at Annexure-A. The authorities have proceeded on the premise that there were certain discrepancies in the Input Tax Credit (ITC) and there was no reconciliation between GSTR-3B as compared to an ITC available in GSTR-2A. The said order is passed without benefit of any reply by the petitioner to the show-cause notice.

5. Learned counsel for the petitioner submits that the petitioner is in a position to produce material and demonstrate the reconciliation between GSTR-3B and GSTR-2A.

6. In light of the assertion that non-reply to the show-cause notice was due to bona-fide reasons, it would be appropriate to permit the petitioner to take its stand on merits after setting aside the order at Annexure-A. The petitioner may be put on terms in light of lapse, by



directing the petitioner to make payment of 10% of the demand, while observing that such payment may be subject to filing adjudication.

7. Taking note that the order of adjudication at Annexure-A itself is an ex-parte order, it would be appropriate to remit the matter back to the stage of reply to show-cause notice. In light of setting aside of the order at Annexure-A, the order dismissing the rectification application does not survive for consideration and is set aside.

8. Petitioner to appear before the respondent without further notice on 07.04.2026. Petitioner to make payment of 10% of the demand, before 07.04.2026.

9. Accordingly, petition is ***disposed of***. All contentions of the petitioner are kept open.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR