



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 9275 OF 2026 (T-RES)

BETWEEN:

M/S. LAKSHMI AND CO.,
REPRESENTED BY ITS PARTNER
SHRI. T. RAVI SHANKAR,
AGED ABOUT 51 YEARS,
109/57/58, RMC LINK ROAD,
DAVANAGERE,
KARNATAKA - 577 003,
GSTIN : 29AACFL8574E1Z0.

...PETITIONER

(BY SRI. PRANAY SHARMA Y., ADVOCATE)

AND:

Digitally
signed by
VIJAYA P
Location:
HIGH
COURT OF
KARNATAKA

1. THE ASSISTANT COMMISSIONER OF
COMMERCIAL TAXES,
LGSTO-460, VANIJYA TERIGE BHAVANA,
GROUND FLOOR, DEVRAJ URS LAYOUT,
P.B ROAD, DAVANAGERE,
KARNATAKA - 577 006.
2. THE COMMISSIONER OF COMMERCIAL TAXES
KARNATAKA,
VANIJYA THERIGE KARYALAYA,
GANDHI NAGAR, KALIDASA ROAD,
BENGALURU - 560 009.
3. STATE OF KARNATAKA,
REPRESENTED BY SECRETARY,



FINANCE DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. K. HEMA KUMAR, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER IN ORIGINAL PASSED UNDER SECTION 73 OF THE ACT BY THE RESPONDENT NO.1 DATED 19.12.2025 FOR THE TAX PERIOD 2021-22 VIDE ORDER NO.ACCT/DRC-07/10/2021-22. COPY OF THE ORDER IN ORIGINAL DATED 19.12.2025 IS ENCLOSED AND MARKED AS ANNEXURE - A1 AND ETC.,

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

The petitioner has sought for setting aside of the order of adjudication passed under Section 73 of the CGST/KGST Act dated 19.12.2025. The petitioner has also sought for certain allied reliefs as well.

2. It is the case of the petitioner that insofar as the proceedings initiated by the respondent authorities on the premise that the output tax declared in GSTR-1



exceeds that declared and paid in GSTR-3B, the petitioner has made out his response.

3. Learned counsel for the petitioner submits that the petitioner had made out reply as evidenced at Annexure-C1 dated 05.12.2025, Annexure-C2 dated 22.12.2025 and Annexure-C3 dated 23.12.2025. Further it is submitted that petitioner along with the replies mentioned, has also enclosed copies of extracts of sales account and certain correspondences of the Zilla Panchayath. It is submitted that the authorities however have not taken note of the same and proceeded to pass an order without adverting to the documents enclosed along with the replies at Annexures-C1, C2 and C3.

4. Sri. K. Hemakumar, learned Additional Government Advocate submits that the reply to the show-cause notice ought to have been in detail and mere submission of documents without explaining the same would not be sufficient.



5. After having heard both sides, it cannot be disputed that petitioner along with the replies at Annexures-C1, C2 and C3 has produced certain supporting documents. It is the specific contention of the petitioner that there is no discrepancy as made out by the authority regarding the output tax declared and the tax paid in terms of declaration in GSTR-3B.

6. Taking note of the contention of the petitioner and on perusal of the impugned order, the case is made out to remit the matter back for reconsideration. The petitioner would assert specifically that the documents produced along with Annexures-C1, C2 and C3 are self-explanatory and the authority may consider the same.

7. While setting aside the impugned order, the petitioner to make out a fresh reply to the show-cause notice apart from documents already submitted and petitioner to be heard by way of personal hearing and



petitioner to make out his case as regards the alleged discrepancies made out and demonstrate his stand.

8. The authority to look into the documents produced by the petitioner along with Annexures-C1, C2 and C3 and record a finding regarding the alleged discrepancies afresh. Accordingly, the order at Annexures-A1 and A2 are set aside and the matter is remitted for fresh consideration. All contentions on merits are kept open.

9. During the process of adjudication, at the instance of the petitioner, verification can be made from the suppliers as per procedure that is permissible. Needless to state, authority cannot go beyond the show-cause notice.

Accordingly, petition is ***disposed of***.

**Sd/-
(S SUNIL DUTT YADAV)
JUDGE**