



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 17266 OF 2026 (T-RES)

BETWEEN:

M/S HARSHITHA BAR
AND RESTAURANT
PROP. (LATE) K. C. RATHNAKAR,
NO 553, SUBRAMANYAPURA ROAD,
CHIKKALASANDRA,
BENGALURU. 560 061
(REPRESENTED BY SMT KUSUMA)
W/O LATE K C RATHNAKAR,)

...PETITIONER

(BY SMT. NEHA ALUR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY THE
PRINCIPAL SECRETARY
FINANCE DEPARTMENT,
GOVERNMENT OF KARNATAKA,
AMBEDKAR VEEDHI,
BENGALURU 560 001.
2. THE ASSISTANT COMMISSIONER OF
COMMERCIAL TAXES (AUDIT)-2.6
DGSTO 2, NO.642, PIONEER PLAZA,
1ST FLOOR, KENCHENAHALLI ROAD,
RAJARAJESHWARI NAGAR,
BENGALURU - 560 098

...RESPONDENTS

(BY SRI. K. HEMAKUMAR, AGA)

Digitally
signed by
VANAMALA
N
Location:
HIGH
COURT OF
KARNATAKA





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A. QUASHING THE MOVABLE AND IMMOVABLE PROPERTY ATTACHMENT NOTICE IN FORM VAT 350 ISSUED BY RESP-2 DATED 16/02/2026 MARKED AT ANNEXURE-F FOR THE PERIOD 2016-17 BEARING REFERENCE NO ACCT(A)/2.6/T-645/2025-26 IN SO FOR AS THE PETITIONER IS CONCERNED. B) QUASHING THE IMPUGNED RE ASSESSMENT ORDER PASSED U/S 39(1) OF THE KVAT ACT, BEARING SL. NO. ACCT (A) -2.6/S29/2020-21 DATED 31/03/2021 MARKED AS ANNEXURE-D FOR THE PERIOD 2016-17 IN SO FOR AS THE PETITIONER IS CONCERNED. C) QUASHING THE DEMAND IN FORM VAT 180 ISSUED BY RESP-2 ON 31/03/2021 MARKED AT ANNEXURE-E FOR THE PERIOD 2016-17 BEARING REFERENCE NO 194810393 IN SO FOR AS THE PETITIONER IS CONCERNED.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner is a proprietary concern, and it is engaged in the business of running a *Bar and Restaurant* with CL-9 license. The erstwhile proprietor of this proprietary concern is Mr. K.C. Rathnakar, and this concern is now being managed by his wife, Smt. Kusuma. The petition is presented on her behalf representing the proprietary concern. The petitioner's grievance is with the second respondent's Re-assessment order dated 31.03.2021 [Annexure-D] under Section 39 of the Karnataka Value Added Tax Act, 2003. The petitioner has also called in question the Attachment Notice dated 16.02.2026 [Annexure-F] and the preceding Demand Notice dated 31.03.2021 [Annexure-E].

2. Ms. Neha Alur, the learned counsel for the petitioner, submits that the petitioner's grievance with the impugned notices and the order must be



tested against the proposition that the proceedings cannot commence with notice to a dead person, and in this regard, the learned counsel invites this Court's attention to the copy of a Death Certificate and the contents of the impugned order to assert that the previous proprietor has died on 21.04.2020 and the proposition notice is issued on 11.02.2021 after his demise.

3. Sri K Hema Kumar, a learned Additional Government Advocate, who accepts notice for the respondents, is heard in the light of these circumstances. The learned Additional Government Advocate points out that the proprietary concern's representative has filed a Reply on 20.02.2021 producing certain documents, and therefore, even if this Court must interfere with the Order and the notices, this Court must reserve liberty to the Authorities to recommence the proceedings in the



name of the legal heirs of the Registered Taxable Person [*the erstwhile proprietor*].

4. In the light of the undisputed circumstances, this Court must opine that the proceedings have begun after the demise of the erstwhile proprietor and that this renders the proceedings *void ab initio*, and therefore, there must be interference. As regards the liberty to recommence the proceedings, this Court can only observe that such liberty must be with the caveat that it must be permissible in law. Hence the following.

ORDER

[a] The petition is allowed.

[b] The second respondent's impugned Attachment Notice dated 16.02.2026 [*Annexure-F*], the Re-assessment Order and Demand Notice [*both of which are dated 31.03.2021 and*



produced as Annexure-D and E] are
quashed.

Sd/-
(B M SHYAM PRASAD)
JUDGE

AN/-