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

WEDNESDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE M. S. RAMACHANDRA RAO
AND
THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION NO: 22883 OF 2020

Between:

M/s. Sundaram Infotech, Flat No.101, Shyam Karam Road, Ameerpet, Hyderabad, Represented by its Partner Sri. Jatin Kamal Kumar Choksi, S/o. Sri. Kamal Kumar Ratilal Choksi.

...**PETITIONER**

AND

1. The State of Telangana, Represented by its Principal Secretary, (Revenue), Secretariat, Hyderabad.
2. The State Tax Officer-I, Sanathnagar Circle, Punjagutta Division, 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 an appropriate Writ or direction, more particularly one in the nature of Writ of Mandamus, declaring the impugned order dated. 31.03.2020 passed by the 2nd respondent for the assessment year 2015-16 CST in AO No.50876 as illegal, unjustified and contrary to the provisions of law besides being violative of principles of natural justice

IA NO: 1 OF 2020

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 stay the collection of the disputed tax pursuant to the impugned order dated. 31.03.2020 passed by the 2nd respondent for the assessment year 2015-16 CST in AO No.50876 during the pendency of the above writ petition

Counsel for the Petitioner: SRI B. SRINIVAS

Counsel for Respondents: SRI M. GOVIND REDDY,
SPL SC FOR COMMERCIAL TAXES

The Court made the following: ORDER

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

AND

HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.22883 OF 2020

ORDER:

(Per Sri Justice M.S.Ramachandra Rao)

In this Writ Petition, the petitioner assails the Assessment Order A.O.No.50876 dt.31.03.2020 passed by the 2nd respondent for the assessment year 2015-16 under the CST Act, 1956.

2. The petitioner alleges that it was informed by the office of the 2nd respondent about the passing of the impugned Assessment Order, that the petitioner approached the 2nd respondent and requested for service of the original Assessment Order and it was furnished to the petitioner on 20.11.2020.

3. The petitioner contends that after perusing the same, the petitioner realized that though it states about issuance of a show-cause notice, reminder notice dt.18.11.2019 and final notice dt.06.03.2020, none of these notices were served on the petitioner; that no personal hearing was also provided to the petitioner; and that there has been violation of principles of natural justice causing serious prejudice to the petitioner.

4. Sri M.Govind Reddy, learned Special Counsel for Commercial Taxes appearing for the respondents does not dispute that the impugned order had been passed without service of any pre-assessment show-cause notice or other notices on the petitioner and no personal hearing was provided to the petitioner and there was violation of principles of natural justice which caused prejudice to the petitioner.

5. Accordingly, the Writ Petition is allowed; the impugned Assessment Order A.O.No.50876 dt.31.03.2020 passed by the 2nd respondent is set aside; the matter is remitted back to the 2nd respondent for fresh consideration; the 2nd respondent shall issue a show-cause notice to the petitioner indicating the turnover to be subjected to tax and the tax proposed to be levied thereon in accordance with Rule 64(1)(b) of the TVAT Rules, 2005; the petitioner is granted six (6) weeks time from the date of service of such notice to file objections thereto along with supporting material; a personal hearing shall be provided to the petitioner by the 2nd respondent; and then a reasoned order shall be passed by the 2nd respondent in accordance with law and communicated to the petitioner. No costs.

6. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

SD/- M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, (Revenue), State of Telangana Secretariat, Hyderabad.
2. The State Tax Officer-I, Sanathnagar Circle, Punjagutta Division, Hyderabad
3. One CC to Sri B Srinivas Advocate [OPUC]
4. One CC to Sri M. Govind Reddy, Spl. SC for Commercial Taxes (OPUC)
5. Two CD Copies

MBC

HIGH COURT

DATED: 30/12/2020

ORDER

WP.No.22883 of 2020

ALLOWING OF THE WRIT PETITION

WITHOUT COSTS

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7/1/21