HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

AND

HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.1343 of 2021

ORDER: (Per Hon'ble Sri Justice M.S. Ramachandra Rao)

In this Writ Petition, petitioner challenges the assessment order AO No.39199 dt.28-03-2020 passed by the 1st respondent under the Central Sales Tax Act, 1956 (for short 'the Act') for the period April, 2015 to March, 2016 and also garnishee notice dt.15-12-2020 issued by 2nd respondent to the 3rd respondent attaching the bank account of petitioner.

2. Petitioner contends that prior to the passing of the impugned assessment order, no show cause notice or reminder notice dt.18-11-2019 and final notice dt.06-03-2020 as mentioned in the impugned assessment order were served on it and no personal hearing was also afforded to the petitioner.

3. Petitioner also contends that it had filed on 22-01-2019, 'C' forms covering turnover of Rs.3,85,58,178/- before the 1st respondent, but the same are not taken into account while passing the impugned assessment order.

4. Sri M.Govind Reddy, learned Special Counsel for Commercial Taxes appearing for respondents does not dispute these facts.

5. Therefore, we are satisfied that there has been violation of principles of natural justice causing grave prejudice to the petitioner.

6. Accordingly, the Writ Petition is allowed; the impugned Assessment Order AO No.39199 dt.28-03-2020 passed by 1st respondent and also garnishee notice dt.15-12-2020 issued by 2nd respondent are both set aside; the matter is remitted back to the 1st respondent for fresh consideration; the 1st respondent shall serve show cause notice on petitioner indicating the turnover proposed to be taxed under the Act and also the tax proposed to be levied thereon in accordance with Rule 64(1)(b) of the Telangana VAT Rules, 2005; petitioner is granted six (06) weeks time from the date of receipt of such show cause to file objections along with supporting material; a personal hearing shall be provided to the petitioner; and then a reasoned order be passed by 1st respondent in accordance with law and be communicated to the petitioner. No costs.

7. Consequently, miscellaneous petitions, pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

T.VINOD KUMAR,J

Date: 22-01-2021
Vsv