IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.04.2024**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.10977 of 2024
and W.M.P.Nos.12061 & 12062 of 2024

M/s.Sree Manoj International,
Represented by its ProprietorMr.P.Periyasamy,
1st Floor, 24/18, 4th Street,
KVR Nagar Main Road,
KTC School Road,
Tiruppur-641 604. ... Petitioner

-vs-

The Deputy State Tax Officer,
Tiruppur North -2 Assessment Circle
Tiruppur. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, to call for the impugned proceedings of the respondent in TSTIN:33AAKFM3981G1z5/2018-2019 dated 01.03.2024 and the summary of the order in Form GST DRC-07 dated 01.03.2024 passed in Reference No.ZD330324005476Q and quash the same as passed contrary to the provisions of the cGST Act, 2017 and TNGST Act, 2017 and also in violation of principles of natural justice.

For Petitioner : Mr.P.Rajkumar

For Respondent : Mr.V.Prashanth Kiran
Government Advocate (Taxes)

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ORDER

An order in original dated 01.03.2024 is assailed on the ground of breach of principles of natural justice.

2. The petitioner states that he was unaware of proceedings until recently since the notices and order were uploaded in the GST portal and not communicated to the petitioner through any other mode. The present writ petition was filed in the said facts and circumstances.

3. Learned counsel for the petitioner submits that the confirmed tax proposal pertains to the alleged discrepancy between the petitioner's GSTR 3B returns and the auto-populated GSTR 2A. In relation thereto, he submits that the IGST paid in relation to imports is reflected in the GSTR 2A, but that the same was not taken into consideration. If provided an opportunity, he submits that the petitioner would be in a position to explain the discrepancy to the satisfaction of the respondent. On instructions, he submits that the petitioner agrees to remit 10% of the disputed tax demand as a condition for remand.

4. Mr.Prashanth Kiran, learned Government Advocate, accepts notice for the respondent. By inviting my attention to the impugned order, he points out that the impugned order was preceded by an intimation, a show cause notice and three reminders in respect of personal hearings.

5. On perusal of the impugned order, it is evident that the tax proposal pertaining to a mismatch between the GSTR 3B returns of the petitioner and the auto-populated GSTR 2A. It is also clear that the tax liability was confirmed because the petitioner failed to reply to the show cause notice. The petitioner asserts that there is no discrepancy and that the IGST component was not taken into consideration. In these circumstances, albeit by putting the petitioner on terms, the matter requires reconsideration.

6. Therefore, the impugned order dated 01.03.2024 is set aside subject to the condition that the petitioner remits 10% of the disputed tax demand as agreed to within a period of two weeks from the date of receipt of a copy of this order. Within the aforesaid period, the petitioner is also permitted to submit a reply to the show cause notice. Upon receipt of the petitioner's reply and upon being satisfied that 10% of the disputed tax demand was received, the respondent is directed to provide a reasonable opportunity to the

petitioner, including a personal hearing, and thereafter issue fresh order within a period of ***three months*** from the date of receipt of the petitioner's reply.

7. W.P.No.10977 of 2024 is disposed of on the above terms. No costs. Consequently, W.M.P.Nos.12061 and 12062 of 2024 are closed.

25.04.2024

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

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SENTHILKUMAR RAMAMOORTHY,J

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To

The Deputy State Tax Officer,
Tiruppur North -2 Assessment Circle
Tiruppur.

W.P.No.10977 of 2024
and W.M.P.Nos.12061 & 12062 of 2024

25.04.2024