IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM :

**THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.14996 of 2024 and
W.M.P.Nos.16293 & 16294 of 2024

Jai Polymer,
Rep. by its Proprietor,
N.Selvarajan,
No.175/3/1, Balakrishnan Street,
Tondiarpet, Chennai-600 081. ... Petitioner

Versus

Assistant Commissioner 9ST),
Tondiarpet Assessment Circle
Integrated Building for Commercial Taxes,
32, Elephant Gate Bridge Road,
Chennai-600 003. ...Respondent

**Prayer** : A Writ Petition filed under Article 226 of the Constitution of India pleased to issue a Writ of Certiorari to call for the impugned order of the respondent passed in GSTIN:33ANBPS273H1Z7/2017-2018 dated 01.11.2023 and quash the same.

For Petitioner : Mr. N.Murali

For Respondent : Mr. C.Harsha Raj
Addl. Govt. Pleader (T)
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**ORDER**

An order dated 01.11.2023 is challenged on the ground that the petitioner was not provided a reasonable opportunity to contest the tax demand on merits.

2. The petitioner was a registered person under applicable GST enactments. The petitioner's registration was cancelled on 26.05.2023. By asserting that the petitioner was therefore not required to monitor the GST portal on an ongoing basis, the present writ petition was filed.

3. Learned counsel for the petitioner referred to the cancellation of GST registration and pointed out that the petitioner would be in a position to explain the mismatch between the monthly returns and the annual return if provided a opportunity. On instructions, he submits that the petitioner agrees to remit 10% of the disputed tax demand as a condition for remand.

4. Mr.C.Harsha Raj, learned Additional Government Pleader, accepts for the respondent. He submits that principles of natural justice were complied with by issuing intimation dated 30.06.2023, a show cause notice dated 23.08.2023 and by offering personal hearings on 23.09.2023

and 27.10.2023.

5. On examining the impugned order, it is evident that the tax proposal, which related to the mismatch between turnover reported in GSTR 9 and GSTR 3B, was confirmed solely because the petitioner did not reply to the show cause notice and appear at the personal hearings. Since the petitioner's GST registration was cancelled and he asserts lack of knowledge of proceedings, the interest of justice warrants reconsideration albeit by putting the petitioner on terms.

6. For reasons set out above, the impugned order dated 01.11.2023 is set aside on condition that the petitioner remits 10% of the disputed tax demand within fifteen days from the date of receipt of a copy of this order. The petitioner is permitted to submit a reply to the show cause notice within the above mentioned period. On receipt thereof and on 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 a fresh order within a period of three months from the date of receipt of the petitioner's reply.

7. W.P.No.14996 of 2024 is disposed of on the above terms without any order as to costs. Consequently, the connected miscellaneous petitions are also closed.

**14.06.2024**

Index : Yes /No

Speaking Order : Yes /No

Neutral Case Citation : Yes /No

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To

Assistant Commissioner 9ST),
Tondiarpet Assessment Circle
Integrated Building for Commercial Taxes,
32, Elephant Gate Bridge Road,
Chennai-600 003.

**SENTHILKUMAR RAMAMOORTHY,J.**

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30.04.2024