IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.06.2024**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.14722 of 2024
and W.M.P.Nos.15960 & 15961 of 2024

Aalient,
Represented by its Proprietor,
Mr.Syed Aageel Ahmed,
Phase 2, G-49 A2, Spencer Plaza,
769, Anna Salai, Chennai 600 002. ... Petitioner

-vs-

The Assistant Commissioner,
Anna Salai Assessment Circle,
Central: III: Chennai Central,
No.1 Greams Road, Chennai 600 006. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records the Respondent in DRC 07 Reference Number ZD331223175472M / 2017-18 dated 22.12.2023 and quash the same as arbitrary, illegal.

For Petitioner : Mr.S.Ramanan

For Respondent : Mrs.K.Vasanthamala, GA (T)

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ORDER

An order in original dated 22.12.2023 is assailed on the ground of breach of principles of natural justice. By asserting that the petitioner was unable to contest the tax demand on merits because the consultant engaged by the petitioner had not informed the petitioner about these proceedings, the present writ petition was filed.

2. Learned counsel for the petitioner submits that the petitioner had opted for the composition scheme and filed returns in Form GSTR 4 on quarterly basis. In these circumstances, he submits that the confirmed tax proposal is unsustainable because such tax proposal relates to a mismatch between the outward supply and

inward supply. Without prejudice, on instructions, learned counsel submits that the petitioner agrees to remit 10% of the disputed tax demand as a condition for remand.

3. Mrs.K.Vasanthamala, learned Government Advocate, accepts notice for the respondent. She points out that principles of natural justice were complied with by issuing notice dated 07.09.2023 and show cause notice dated 23.09.2023.

4. On examining the impugned order, it is evident that the tax proposal was confirmed because the petitioner did not reply to the show cause notice. It also appears that the proposal relates to a comparison between the inward supply, as gleaned from the GSTR 2A, and the outward supply. The petitioner has placed on record evidence that he opted for composition levy and filed quarterly returns in Form GSTR 4. In these circumstances, the interest of justice warrants re-consideration, albeit by putting the petitioner on terms.

5. Therefore, impugned order dated 22.12.2023 is set aside on condition that the petitioner remits 10% of the disputed tax demand within a period of ***two weeks*** from the date of receipt of a copy of this order. Within the said period, the petitioner is permitted to submit a reply to the show cause notice. 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.

6. W.P.No.14722 of 2024 is disposed of on the above terms. No costs. Consequently, W.M.P.Nos.15960 and 15961 of 2024 are closed.

13.06.2024

rna
Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No

To

The Assistant Commissioner,
Anna Salai Assessment Circle,
Central: III: Chennai Central,
No.1 Greams Road,
Chennai 600 006.

SENTHILKUMAR RAMAMOORTHY,J

rna

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