IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.06.2024**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.14880 of 2024
and W.M.P.Nos.16170 & 16171 of 2024

Tvl. Ispeel Solution Private Limited
Represented by its Authorized Signatory R.Anbazhagan
2nd Floor, Flat B, ADBM Building No.6,
Sanjay Gandhi Nagar West, Karikalan Street,
Adambakkam, Chennai 600 088
GSTIN: 33AADCI3112K2ZX ... Petitioner

-vs-

The State Tax Officer
Office of the Commercial Tax Officer
Nanganallur Assessment Circle,
Room No.224, 2nd Floor, Anna Salai,
Nandanam, Chennai 600 035. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, call for the records of the respondent herein in its impugned order passed by the respondent in the order in GSTIN: 33AADCI3112K2Z / 2018-19 dated 23.01.2024 along with the Consequential Order *vide* Form GST DRC 07 with Ref.No. ZD330124135356R dated 29.01.2024 for the period April 2018 to March 2019 and quash the same.

For Petitioner : Mrs.R.Hemalatha

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

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ORDER

An order in original dated 23.01.2024 is challenged on the ground that the petitioner was not provided a reasonable opportunity to contest the tax demand on merits. The petitioner asserts that the auditor engaged by it did not inform the petitioner about these proceedings and the petitioner could also not obtain information relation thereto on account of limited knowledge of the working of computer systems.

2. Learned counsel for the petitioner submits that the tax proposal pertains to the mismatch between the petitioner's GSTR 3B returns and the GSTR 1 statement as also between the GSTR 3B returns and the auto populated GSTR 2A. If provided an opportunity, learned counsel for the petitioner submits that the petitioner would be in a position to explain the mismatch.

3. Mrs.K.Vasanthamala, learned Government Advocate, accepts notice for the respondent. She submits that the impugned order was preceded by a notice in Form ASMT 10 dated 10.07.2023, show casue notice dated 24.09.2023 and multiple reminders for a personal hearing.

4. On perusal of the impugned order, it is evident that the tax proposal was confirmed only on account of the petitioner not replying to the show cause notice or appearing for the personal

hearing. In view of the assertion that the petitioner could not participate in proceedings because of being unaware of the same, the interest of justice warrants that the petitioner be provided an opportunity to contest the tax demand on merits by putting the petitioner on terms. On instructions, learned counsel for the petitioner submits that the petitioner agrees to remit 10% of the disputed tax demand as a condition for remand.

5. For reasons set out above, impugned order dated 23.01.2024 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 aforesaid period, the petitioner is permitted to submit a reply to the show cause notice. Upon 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.14880 of 2024 is disposed of on the above terms. No costs. Consequently, W.M.P.Nos.16170 and 16171 of 2024 are closed.

18.06.2024

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

To

The State Tax Officer
Office of the Commercial Tax Officer
Nanganallur Assessment Circle,
Room No.224, 2nd Floor, Anna Salai,
Nandanam, Chennai 600 035.

SENTHILKUMAR RAMAMOORTHY,J

rna

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