IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.06.2024**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.15490 of 2024
and W.M.P.Nos.16837 & 16839 of 2024

M/s.Blue Star Industry,
Rep.by its Managing Partner,
100-B, Golden Nagar,
Edayarpalayam,
Coimbatore,
Tamil Nadu: 641 025. ... Petitioner

-vs-

The Deputy State Tax Officer-I,
Velandipalayam Assessment Circle,
Coimbatore, Tamil Nadu. ... 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 impugned assessment order in ZD3312231124644S dated 18.12.2023 passed under Section 73 of the CGST / TNGST Act, 2017 and uploaded along with summary of order in DRC-07, for tax period

2017-18 from the files of the respondent herein, quash the same.

For Petitioner : Ms.Aparna Nandakumar

For Respondent : Mr.V.Prasanth Kiran, GA (T)

****

ORDER

An assessment order dated 18.12.2023 is assailed on the ground that the petitioner did not have a reasonable opportunity to contest the tax demand on merits. By asserting that the show cause notice and the impugned order were uploaded in the "view additional notices and orders" tab on the GST portal, but not communicated through any other mode, the present writ petition was filed.

2. Learned counsel for the petitioner submits that the tax

proposal relates to a mismatch between the petitioner's GSTR 3B returns and the auto populated GSTR 2A. On instructions, she points out that a sum of Rs.8,35,000/- was debited from the petitioner's bank account on 19.06.2024 towards the disputed tax demand.

3. Mr.V.Prasanth Kiran, learned Government Advocate, accepts notice for the respondent. He submits that principles of natural justice were complied with by issuing intimation dated 18.09.2023, show cause notice dated 25.09.2023 and by offering a personal hearing notice by 08.12.2023.

4. On perusal of the impugned order, it is evident that the tax proposal was confirmed solely because the petitioner did not reply to the show cause notice. In view of the assertion that the petitioner could not participate in the proceedings on account 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. The petitioner has placed on record evidence that a sum of Rs.8,35,000/-

was debited from the bank account on 19.06.2024. Therefore, to that extent, revenue interest is secured.

5. For reasons set out above, impugned order dated 18.12.2023 is set aside subject to verification of the debit of a sum of Rs.8,35,000/-. The petitioner is permitted to file a reply to the show cause notice within ***two weeks*** from the date of receipt of a copy of this order. Upon receipt thereof, the respondent is directed to provide a reasonable opportunity to the petitioner, including a personal hearing, and thereafter issue a fresh order within ***three months*** from the date of receipt of the petitioner's reply. For the avoidance of doubt, it is made clear that the sum of Rs.8,35,000/-, which was appropriated from the petitioner's bank account, shall abide by the outcome of the remanded proceedings.

6. W.P.No.15490 of 2024 is disposed of on the above terms. No costs. Consequently, W.M.P.Nos.16837 and 16839 of 2024 are closed.

20.06.2024

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

To

The Deputy State Tax Officer-I,
Velandipalayam Assessment Circle,
Coimbatore, Tamil Nadu.

SENTHILKUMAR RAMAMOORTHY,J

rna

W.P.No.15490 of 2024
and W.M.P.Nos.16837 & 16839 of 2024

20.06.2024