IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.08.2024

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.Nos.20823, 20829 & 20830 of 2024 &
W.M.P.Nos.22777, 22778, 22781, 22783, 22784 & 22785 of 2024

M/s.Dharaa Precisions Pvt. Ltd.,
Rep. By its Chief Executive Officer,
No.C-10, Sidco Industrial Estate,
Sipcot Phase-1,
Hosur, Krishnagiri - 635 126. ... Petitioner
[in all W.Ps]

Vs.

The State Tax Officer,
Inspection Cell - 3
3/47, Sapthagiri Complex,
Thorapalli Agraharam Village,
Gandhi Nagar, Hosur (TK)
Krishnagiri - 635 109. ... Respondent
[in all W.Ps]

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in Reference No.33AAHCD9168N1Z1/2020-21, 2021-22, 2022-23 and quash the proceeding dated 23.02.2024 passed therein and further direct the respondent to grant sufficient opportunity before passing final order of assessment respectively.

For Petitioner : Mr.B.Raveendran
[in all W.Ps]
For Respondent : Mrs.K.Vasanthamala
[in all W.Ps] Government Advocate (Taxes)

COMMON ORDER

These Writ Petitions have been filed by the petitioner to quash the impugned orders dated 23.02.2024 passed by the respondent.

2. Mrs.K.Vasanthamala, learned Government Advocate (Taxes) takes notice on behalf of the respondent.

3. By consent of the parties, the main Writ Petitions are taken up for disposal at the admission stage itself.

4. The learned counsel for the petitioner would submit that the petitioner had received the show cause notices and thereafter, they filed replies before the authorities concerned. However, without providing any opportunity to the petitioner, the respondent passed the impugned orders, demanding the payment of GST for a sum of Rs.73,16,833/- for the assessment year 2020-21; for a sum of Rs.2,71,03,688/- for the assessment year 2021-22; and for a sum of Rs.1,11,72,442/- for the assessment year 2022-2023, which are in violation of the principles of natural justice.

5. On the other hand, the learned Government Advocate (Taxes) would submit that the show cause notices were issued on the petitioner and they had filed replies and after considering their replies, the respondent has passed the impugned orders. She would further submit that in the event this Court is inclined to set aside the orders, the same may be considered subject to the payment of 15% of the disputed tax.

6. In reply, the learned counsel for the petitioner would fairly submit that the petitioner is now ready and willing to pay 15% of the demand (Rs.73,16,833/-, Rs.2,71,03,688/- and Rs.1,11,72,442/- respectively) made by the respondent in the event of providing an opportunity of personal hearing to substantiate their claim, for which, the learned Government Advocate (Taxes) has no serious objection.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (Taxes) for the respondent and also perused the materials available on record.

8. In the present case, it appears that no opportunity of personal hearing was provided to the petitioner prior to the passing of impugned orders. Hence, this Court is of the view that the impugned orders were passed in violation of principles of natural justice and it is just and necessary to provide an opportunity to the petitioner to establish their case on merits. In such view of the matter, this Court is inclined to set aside the impugned orders dated 23.02.2024 passed by the respondent. Accordingly, this Court passes the following order:-

> **(i)** The orders impugned herein are set aside and the matters are remanded to the respondent for fresh consideration on condition that the petitioner shall pay a sum of Rs.73,16,833/-, Rs.2,71,03,688/- and Rs.1,11,72,442/- respectively (15% of demand) to the respondent within a period of four weeks from the date of receipt of a copy of this order and the setting aside of the impugned orders will take effect from the date of payment of the said amount.
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> **(ii)** The petitioner shall file their reply/objection along with the required documents, if any, within a period of two weeks thereafter.
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> **(iii)** On filing of such reply/objection by the petitioner, the respondent shall consider the same and issue a 14 days clear notice by fixing the date of personal hearing to the petitioner and thereafter, pass appropriate orders on merits and in accordance with law, after hearing the petitioner, as expeditiously as possible.

9. Accordingly, the Writ Petitions are disposed of. There is no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

09.08.2024

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No

sri

To

The State Tax Officer,
Inspection Cell - 3
3/47, Sapthagiri Complex,
Thorapalli Agraharam Village,
Gandhi Nagar, Hosur (TK)
Krishnagiri - 635 109.

KRISHNAN RAMASAMY.J.,

sri

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Krishnan Ramasamy,J.,

The matter is listed today under the caption, 'For Being Mentioned', at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner would submit that in para No.6 of the order dated 09.08.2024 in the above Writ Petitions, due to inadvertent, the amount to be deposited by the petitioner has been wrongly stated as if, 15% of the impugned demand, which error also reflected in sub para (i) of para No.8 of the operative portion of the order. Hence, the learned counsel seeks for rectification of the pointed out errors.

3. In view of the above, Registry is directed to substitute the following amended para in the place of Para No.6 of the order dated 09.08.2024:-

"**6.** In reply, the learned counsel for the petitioner would fairly submit that the petitioner is
now ready and willing to pay 15% of the disputed tax to the respondent in the event of providing an opportunity of personal hearing to substantiate their claim, for which, the learned Government _Advocate (Taxes) has no serious objection."

3.1 Similarly, sub-para No.(i) of para No.8 of the order dated 09.08.2024, shall be replaced with the following para:-

"**(i)** The orders impugned herein are set aside and the matters are remanded to the respondent for fresh consideration on condition that the petitioner shall pay 15% of the disputed tax to the respondent within a period of four weeks from the date of receipt of a copy of this order and the setting aside of the impugned orders will take effect from the date of payment of the said amount."

4. Except these changes, all other paras shall remain unchanged.

Registry is directed to issue fresh amended copies to the parties concerned.

02.09.2024

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Krishnan Ramasamy,J.

jd

W.P.Nos.20823, 20829 & 20830 of 2024

02.09.2024