IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

W.P.No.29105 of 2024
AND
W.M.P.Nos.31769 & 31770 of 2024

M/s.Sri Meenakshi Industries
Rep. by its Partner Mr.Babuji
No.647, T.N.Road, Tondiarpet, Chennai – 81. .. Petitioner

Vs

1. The State Tax Officer,
   Tondiarpet Assessment Circle,
   Wall Tax Road, Chennai – 600 003.

2. The Branch Manager, Axis Bank,
   549, Thiruvottiyur High Road, Korrukkupet,
   Old Washermanpet, Chennai – 21. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records in the file of the first respondent in GSTIN No.33ABOFS6035N1ZN/2022-23 dated 18.03.2023 and quash the same as illegal, invalid, against the law and violated the principles of natural justice.

For Petitioner : Mr.D.Vijayakumar

For respondents : Mr.V.Prashnth Kiran
Government Advocate [T] – R1

ORDER

Challenging the impugned order of the first respondent in GSTIN No.33ABOFS6035N1ZN/2022-23 dated 18.03.2023 and quash the same as illegal, invalid, against the law and violated the principles of natural justice, this writ petition has been filed.

2. The learned counsel for the petitioner submits that the petitioner is a dealer in M.S. Scraps and registered under the GST Act. The petitioner is regular in filing their monthly GSTR returns and remitted taxes in accordance with the goods and service Tax law. While so, the petitioner had received a call from the second respondent bank saying that their account was freezed for the arrears payable to the GST Department and supplied a copy of the attachment notice dated 06.08.2024. The petitioner has already filed an appeal against the demand raised for the assessment year 2018-19 after depositing 10% of the

disputed tax on 12.08.2024. It is further submitted that the impugned Order was uploaded in the additional notice column in the portal. Though the petitioner filed the December 2022 returns immediately after receipt of the notice, the first respondent without appreciating the returns, passed the impugned Order and created tax liability. The only show cause notice as per the impugned Order was uploaded in the 'additional notice' column. The petitioner was not given an opportunity of personal hearing before passing the impugned Order. The learned counsel further submitted that the petitioner has already paid to an extent of Rs.18,49,900/- towards their tax liability. Therefore, he would submit that the Order impugned cannot be sustained as the same is in violation of principles of natural justice.

3. Heard both sides and perused the documents enclosed in the typed set of papers. By consent of the parties, the main Writ Petition is taken up for disposal at the time of admission stage itself.

4. Though the petitioner raised very many grounds assailing the order impugned herein, the main contention of the learned counsel for the petitioner is that before passing the order impugned herein, the petitioner was not provided reasonable opportunity to submit their oral and written submissions

and to file documents to substantiate their claims. Thus, according to the learned counsel, the order impugned herein is arbitrary, illegal and in violation of the principles of natural justice.

5. On the other hand, the learned Government Advocate appearing for the first respondent submitted that after analysing the facts and circumstances of the case, the respondent has passed the order impugned.

6. Considering the facts and circumstances of the case coupled with the submissions made by the learned counsel on either side would demonstrate that there is clear violation of principles of natural justice on the part of the respondent in passing the order impugned herein, this court passes the following order:

i. the impugned Order dated 18.03.2024, passed by the first respondent is set aside.

ii. That the petitioner is directed to file his reply along with all the relevant documents to the first respondent within a period of fifteen days from the date of receipt of a copy of this order.

iii. Thereafter, the first respondent is directed to pass the final Order on merits and in accordance with law by giving due consideration to the reply filed by the petitioner and after affording an opportunity of personal hearing to the petitioner, within a period of four (4) weeks.

iv. On production of a copy of this Order, the third respondent bank is directed to defreese the account of the petitioner forthwith.

7. With the above directions, this writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

01.10.2024

vrc

Index : Yes/No
Neutral Citation : Yes/No

To

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   Old Washermanpet, Chennai – 21.

KRISHNAN RAMASAMY, J.

vrc

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