IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2024

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.29049 of 2024 &

W.M.P.Nos.31692, 31694 & 31695 of 2024

M/s.Deepa Industries,
Rep. by its Proprietor Mr.K.Moorthy,
No.1/14, Karatoor Road, Sathiyamangalam,
Erode, Tamilnadu – 638 402. ... Petitioner

Vs.

1. Deputy State Tax Officer,
   Office of the Deputy Commercial Tax Officer,
   Sathyamangalam Assessment Circle,
   Sathyamangalam, Erode, Tamilnadu.

2. The Branch Manager,
   Canara Bank,
   147, Srinivasa Complex, Mysore Trunk Road,
   Sathyamangalam, Tamilnadu – 638 402. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records on the file of the first respondent in its impugned proceedings for the Assessment year

2018-19 in GSTIN : 33AVNPM8872A1ZE/2018-2019 dated 08.02.2024 and the consequent DRC-07 Order bearing ZD330224047650S dated 08.02.204 and quash the same.

For Petitioner : Mr.Francy Victor

For Respondent : Mr.V.Prashanth Kiran
Government Advocate [T] - R1

ORDER

Challenging the impugned proceedings of the first respondent for the Assessment year 2018-19 in GSTIN : 33AVNPM8872A1ZE/2018-2019 dated 08.02.2024 and the consequent DRC-07 Order bearing ZD330224047650S dated 08.02.204 , the present writ petition has been filed.

2. According to the petitioner, they are registered under the TN GST Act. The impugned Order has been passed alleging turnover mismatch between GSTR-3B Vs. GSTR-2A for the Assessment year 2018-2019. In this regard the petitioner is ready to provide all relevant

documents to substantiate the claims if a reasonable opportunity is afforded to the petitioner. In the meanwhile, the first respondent also attached the bank account of the petitioner. Challenging the same, the petitioner is before this court with the present writ petition.

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 all the notices and other communications sent by the respondents have been received by the part time accountant who is managing the accounts of the petitioner company and hence, they were not able to file reply and file documents to substantiate their claims. The petitioner was not provided reasonable opportunity before passing the impugned Order and the order impugned herein is arbitrary, illegal and in violation of the principles of natural justice.

5. On the other hand, the learned Additional Government Pleader appearing for the respondents submitted that after analysing the facts and circumstances of the case, the first 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 first respondent in passing the order impugned herein, this court passes the following order:

> [i] The order impugned herein is set aside and the matter is remanded to the respondent for fresh consideration on condition that the petitioner shall pay a 10% of the disputed tax liability to the respondent within a period of four weeks from the date of receipt of a copy of this order;
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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.

[iii] On filing of such reply/objection by the petitioner, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner, as expeditiously as possible.

7. This writ petition is disposed of on the above terms. There is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

30.09.2024

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

vrc

To

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   Sathyamangalam Assessment Circle,
   Sathyamangalam, Erode, Tamilnadu.

2. The Branch Manager,
   Canara Bank,

147, Srinivasa Complex, Mysore Trunk Road,
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KRISHNAN RAMASAMY, J.

vrc

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