IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.35349 of 2024 and
W.M.P.No.38244 and 38246 of 2024

M/s.JC Valvulas India Private Limited,
Rep. by its Director R. Ganesan
Plot No.143, Industrial Estate, 1st Main Road,
Perungudi,Chennai 600 096. ..Petitioner

Vs.

The Commercial Tax Officer,
Sholinganallur Assessment Circle
No.207, 2nd Floor,
Integrated Commercial Taxes and Registration Building,
Government Farm Village
Nandanam Chennai-35. ..Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent's impugned order dated 24.08.2024 bearing reference number ZD3308242249365 issued under Section 73 of the TNGST Act for the financial year 2019-2020 in so far as defect no. 3 to 5 are concerned and quash the same as illegal arbitrary and devoid of merit and further direct the Respondents to drop the demand raised in the impugned order and restrain the Respondents from initiating any further consequential actions or proceedings under the said impugned order.

For Petitioner : Mr.S.Karunamoorthy

For Respondent : Ms.Amrita Dinakaran
Government Advocate

ORDER

The present Writ Petition is filed challenging the impugned order passed by the respondent dated 24.08.2024 relating to the assessment year 2019-20, on the short ground that the petitioner's request for a personal hearing vide reply dated 11.07.2024 was not even considered.

2. The petitioner is engaged in the business of manufacturing and supply of valves. The petitioner is a registered dealer under Goods and Services Act, 2017. During the relevant period, the petitioner had filed its return and paid appropriate taxes. However, on examination of the information furnished in the returns under various heads, the following discrepancies inter alia were noticed:

i) Input tax credit to be reversed on non-business transactions and exempt supplies

ii) Under declaration of ineligible input tax credit

iii) Input tax credit claimed from cancelled dealers, return defaulters and tax non payers.

3. It is submitted by the learned counsel for the petitioner that a show cause notice was issued in GST DRC 01 to the petitioner on 28.05.2024. In response to the same, the petitioner filed its reply dated 11.07.2024 seeking time to furnish some more documents and also requested for personal hearing. The impugned order came to be passed, without considering the request for personal hearing, it was thus submitted that the impugned order suffers from violation of principles of natural justice and is also contrary to the mandate contained in Section 75(4) of the Act.

4. The learned Government Advocate for the respondent would submit that the petitioner's would be granted an opportunity of personal hearing and the petitioner may submit all the documents, during the course of personal hearing.

5. In view thereof, the impugned order dated 24.08.2024 is set aside. It is open to the petitioner to submit documents/additional objections/reply, if any, to

the respondents and the respondents would proceed with the matter after affording the petitioner an opportunity of personal hearing.

6. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.11.2024

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

The Commercial Tax Officer,
Sholinganallur Assessment Circle
No.207, 2nd Floor,
Integrated Commercial Taxes and Registration Building,
Government Farm Village
Nandanam Chennai-35.

MOHAMMED SHAFFIQ, J.

mrn

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