IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.38213 of 2024
and
W.M.P.Nos.41340 and 41341 of 2024

UK Security Services,
Represented by its Proprietor Umashankar Kishore Pandey ..Petitioner

Vs.

1.Assistant Commissioner (ST)
Medavakkam Assessment Circle,
Chennai.

2.State Bank of India,
2nd Floor, Kasturba Nagar,
Adyar, Chennai -600020. ..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus calling for the records of the first respondent herein in original impugned Order in GSTIN :33AIDPK0233G1ZX/2019-2020 dated 28.08.2024 and the consequential DRC 07 in Ref No.ZD330824258719V dated 28.08.2024 for the FY 2019-20 passed by the first respondent and quash the same and further direct the first respondent to lift the attachment of the bank attachment of the petitioner held in Current A/c No.00000010792459149 with second respondent and pass orders.

For Petitioner : Ms.G.Vardini Karthik

For Respondents : Mr.C.Harsh Raj
Additional Government Pleader
for first respondent

ORDER

The present writ petition is filed challenging the impugned order passed by the first respondent dated 28.08.2024 relating to the assessment year 2019-20.

2. The petitioner is an ISO certified agency offering a complete range of security services and is registered dealer under the Goods and Services Act, 2017. During the relevant period, the petitioner filed its return and paid the appropriate taxes. However, during the scrutiny of the petitioner's return, the following discrepancies were noticed:

i) Mismatch between GSTR 1 and GSTR 7

ii) Excess claim of ITC

iii) Interest payable on belated payment of GSTR 3B

2.1. Subsequently, a Show Cause Notice was issued to the petitioner in DRC-01 dated 23.05.2024. Further, an opportunity of personal hearing was also granted on 14.06.2024. The petitioner had filed its reply on 24.06.2024. However the impugned order came to be passed confirming the proposal, on the premise that the petitioner has not paid the tax amount partially. It is submitted by the learned counsel for the petitioner that if the petitioner is provided with an opportunity, they would be able to explain the alleged discrepancies.

3. The learned counsel for the petitioner would place reliance upon the recent judgment of this Court in the case of **Sree Manoj International Vs. Deputy State Tax Officer in W.P.No.10977 of 2024 dated 25.04.2024**, to submit that this court has remanded the matter back in similar circumstances subject to payment of 10% of the disputed taxes.

4. It was further submitted that the petitioner is ready and willing to pay 10% of the disputed tax and that he may be granted one final opportunity before the adjudicating authority to put forth their objections to the proposal. It is further submitted that there is bank attachment and the same may be lifted, to which, the

learned Additional Government Pleader appearing for the first respondent does not have any serious objection.

5. In view thereof, the impugned order dated 28.08.2024 is set aside and the petitioner shall deposit 10% of the disputed tax within a period of four weeks from the date of receipt of a copy of this order. On complying with the above condition, the impugned order of assessment shall be treated as show cause notice and the petitioner shall submit its objections within a period of four weeks from the date of receipt of a copy of this order along with supporting documents/material. If any such objections are filed, the same shall be considered by the respondents and orders shall be passed in accordance with law after affording a reasonable opportunity of hearing to the petitioner. If the above deposit is not paid or objections are not filed within the stipulated period, i.e., four weeks respectively from the date of receipt of a copy of this order, the impugned order of assessment shall stand restored. It was submitted that pursuant to the impugned order of assessment, recovery proceedings were initiated and bank accounts have been attached. In view of the order passed herein, the bank attachment shall be lifted/withdrawn forthwith on complying with the above condition i.e., payment of

10% of disputed taxes within a period of four weeks from the date of receipt of a copy of this order.

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

13.12.2024

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

To
1.The Assistant Commissioner (ST)
Medavakkam Assessment Circle,
Chennai.

2.The State Bank of India,
2nd Floor, Kasturba Nagar,
Adyar, Chennai -600020.

MOHAMMED SHAFFIQ, J.

mrn

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