28.07.2025
ML
Item No. 45
Ct.-05
Sayandeep

WPA 4479 of 2025

Tirupati Venkat Rao
versus
Joint Commissioner, State Tax & ors.

Mr. Prasenjit Burman
Ms. Payel Koley
Mr. Swapnesh Mullick
....for the petitioner

Mr. Nilotpal Chatterjee
Mr. Tanoy Chakraborty
Mr. Saptak Sanyal
Mr. Debraj Sahu
......for the State

1. The instant writ petitioner has been filed inter alia challenging the order dated 14th November, 2024 whereby the prayer of the petitioner for an opportunity to cross-examine witnesses on the basis of his request letter dated 29th October, 2024, was turned down.

2. Records would reveal that a show-cause was issued on 5th August, 2024 recording that on the basis of the evidence collected during investigation, it was noted that the petitioner served as a principal architect of a fraudulent GST invoice racket, which led to defrauding of Government revenue amounting to Rs. 652.59 crores thorough execution of fictitious paper transactions and Jama-Kharchi practices. The same further records that the financial crime was perpetrated by creating multiple fake entities including 167 fake registered tax payers in West

Bengal by using third party credentials such as Adhar/Pan/ personal documents etc. In the said show-cause, it has been noted that having regard to the case made out and having regard to the offences committed by the petitioner which are punishable under Section 132(1) (i) of the WBGST/CGST Act. 2017 (hereinafter referred to as the said Act) as the amount of ITC wrongfully availed or utilized or passed on in the case exceeds Rs.500 lakhs, the same are cognizable and non bailable. The petitioner was further notified that a case was going on before the learned Additional Chief Judicial Magistrate, Sealdeah (Case No. C-122/2023) wherein the initial prosecution complaint was submitted on 6th April, 2024. Along with the show-cause the petitioner was not only supplied copies of the prosecution complaints but all particulars, inter alia, including copy of calculation sheet.

3. The petitioner would, however, contend that though the petitioner had duly filed response to the show-cause, by a separate letter dated 29th October, 2024 had requested for permission to cross-examine the witness whose statements had been relied on. Records would however reveal that by communication dated 14th November, 2024, the petitioner was informed that the petitioner had while responding to the show-cause had sought for

permission to cross-examine the witnesses who had recorded their statements before the officer of the bureau of investigation. The petitioner by such communication was further informed that all documents were duly forwarded to the petitioner and as such by such document the petitioner was once again called upon to submit an explanation to the show-cause by the next date, i.e., 22nd December, 2024.

4. The instant writ petition has, however, been affirmed on 24th February, 2025. Learned advocate representing the petitioner by drawing attention of this Court to the letter dated 29th October, 2025 would submit that the petitioner in effect wanted to cross-examine 7 several witnesses which, inter alia, include one Mampi Chowdhury and her husband Partha Chowdhury, Kartick Dutta and Sucharita Dutta the landlord and landlady of the petitioner as also one Kartick Rao, an alleged employee of the petitioner, Souvik Dutta a Bank employee associated with IDBI Bank wherein the petitioner has allegedly opened the Bank account and one Mr. Balakrishna Raju. According to the petitioner, the petitioner has right to cross-examine the aforesaid persons. In support of his contention he has placed reliance on the Judgment delivered by the Hon'ble Supreme

Court in the case of ***Union of India v. T. R. Verna***, reported in **AIR 1957 SC 882**.

5. Mr. Chakraborty learned advocate appears on behalf of the respondents and would submit that petitioner had been supplied with all documents in support of the show-cause to demonstrate that the petitioner is involved in fraudulent activities and in the process has defrauded the Government and has retained the benefit of the transaction and consequent thereon, a proceeding under Section 122 (1A) of the said Act, has been initiated against the petitioner. Mr. Chakraborty, has also submitted that at this stage there is no cause of action for the petitioner to approach this Court. Only with the object of stalling the proceeding, the petitioner has approached this Court. In any event, no particulars as to why the petitioner seeks to cross-examine the aforesaid witness has been disclosed. Further proceedings are yet to be concluded and as such it is pre- mature at this stage to arrive any conclusion.
6. Having heard the learned advocates appearing for the respective parties and noting that the show-cause has been issued against the petitioner for defrauding the Government which has resulted to a revenue loss of Rs. 652.59 crores, I am of the view that the petitioner should not be permitted to stall the proceedings. Although, the learned advocate for the

petitioner has attempted to clarify that he was not involved in defrauding the Government, I am of the view there is little scope for this Court to enter into the such aspect. As to whether the petitioner is entitled to cross-examine the witnesses or not would depend upon the facts of each case. The authorities have by their letter dated 14th November, 2024 has only called upon the petitioner to provide appropriate explanation in respect of the show-cause. As rightly pointed out by Mr. Chakraborty that there has been no rejection to the petitioner's request though it has only been clarified that the same is not a formal trial.

7. Having regard thereto, I am of the view that it is entirely premature at this stage to interfere in this matter.

8. With the above observations and directions, the writ petition is dismissed without any order as to costs.

(Raja Basu Chowdhury, J.)