



WEB COPY



W.P.No.4587 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.4587 of 2025

and

W.M.P.Nos.5102, 5103 & 5106 of 2025

M/s.Rajkamal Motors,
Rep by its Proprietor, Pankaj Mohnot,
Having Office at No.145, Nungambakkam high Road,
Nungambakkam Chennai,
Tamil Nadu 600 034.

... Petitioner

Vs.

Deputy Commercial Tax Officer,
Nungambakkam, Central III, Chennai Central,
Tamil Nadu.

... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, to call for the records of the
respondent in order dated 22.08.2024 in GSTIN
33AOSPM4018G1ZX/2019-20 and quash the same.



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For Petitioner : Mr.Kumarpal Chopra

For Respondent : Ms.K.Vasanthamala,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 22.08.2024 passed by the respondent.

2. Ms.K.Vasanthamala, learned Government Advocate, takes notice on behalf of the respondent. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

3. The learned counsel for the petitioner would submit that all notices/communications were uploaded by the respondent in the GST portal. Since the petitioner was not aware of the said notices, they failed to file their reply within the time. Under these circumstances, the impugned order came to be passed by the respondent without providing any opportunity of personal hearing to the petitioner. Hence, this petition



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has been filed.

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4. Further, he would submit that the entire disputed tax amount has already been deducted from the petitioner's ECL by the respondent. Hence, he requests this Court to grant an opportunity to the petitioner to present their case before the respondent by setting aside the impugned orders.

5. On the other hand, the learned Government Advocate appearing for the respondent would submit that the respondents had uploaded the notices in the GST Online Portal. But the petitioner failed to avail the said opportunity. Further, she has fairly admitted that no opportunity of personal hearing was provided to the petitioner prior to the passing of impugned order. Therefore, she requested this Court to remit the matter back to the respondent.



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6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent and also perused the materials available on record.

7. In the cases on hand, it is clear that no opportunity of personal hearing was provided to the petitioner prior to the passing of impugned order. Hence, this Court is of the view that the impugned order was passed in violation of principles of natural justice since it is just and necessary to provide an opportunity to the petitioner to establish their case on merits.

8. Further, it was submitted by the learned counsel for the petitioner that the entire disputed tax amount has already been deducted from the petitioner's ECL by the respondent. In such view of the matter, this Court is inclined to set aside the impugned order dated 22.08.2024 passed by the respondent. Accordingly, this Court passes the following order:-



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(i) The impugned order dated 22.08.2024 is set aside and the matter is remanded to the respondent for fresh consideration, subject to the verification of deposit of entire disputed tax amount by the petitioner.

(ii) The petitioner shall file their reply/objection along with the required documents, if any, within a period of three weeks from the date of receipt of copy of this order.

(iii) On filing of such reply/objection by the petitioner, the respondent shall consider the same and issue a 14 days clear notice, by fixing the date of personal hearing, to the petitioner and thereafter, pass appropriate orders on merits and in accordance with law, after hearing the petitioner, as expeditiously as possible.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

20.02.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No



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To

Deputy Commercial Tax Officer,
Nungambakkam, Central III, Chennai Central,
Tamil Nadu.



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KRISHNAN RAMASAMY.J.,

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