



W.P.No.6210 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 21.02.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.6210 of 2025
and W.M.P.Nos.6822 & 6824 of 2025

Tvl.Team Work Media,
Rep by its Authorized Signatory,
B.Meenakshi Sundaram,
No.5A, Dhanalakshmi Colony Extn,
Senthill Andavar Street, Vadapalani,
Chennai 600 026

... Petitioner

Vs.

- 1.State Tax Officer,
Survey Unit II/Intelligence I,
Commercial Tax Department, PAPJM Building,
Greams Road, Chennai 600 006.
- 2.State Tax Officer,
RSIII/ Intelligence I,
Commercial Taxes Department, PAPJM Building,
No.1, Greams Road, Chennai 600 006.
- 3.The Assistant Commissioner (ST)(FAC),
Intelligence I,
Commercial Taxes Building, PAPJM Building,
1st Floor, No.1, Greams Road,
Chennai 600 006.

... Respondent



W.P.No.6210 of 2025

Prayer:

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in GSTIN: 33AAHFT4559Q1ZG/2017-18 dated 05.02.2025 passed by the 2nd respondent, quash the same and direct the 2nd respondent to pass denovo assessment order afresh in accordance with law, after affording the petitioner an opportunity of personal hearing.

For Petitioner : Mr.Vijay Narayan, Senior counsel
for Ms.Abinaya Raj

For Respondent : Ms.Amirta Poonkodi Dinakaran,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 05.02.2025 passed by the 2nd respondent.

2. The learned counsel appearing for the petitioner would submit that in the present case, the notice in Form GST DRC-01 was issued by the respondents on 22.09.2023, for which, the reply, along with all the



W.P.No.6210 of 2025

relevant documents, were filed by the petitioner on 27.03.2024.

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However, the impugned order was passed by the respondent as if no documents were furnished. In such case, it is clear that the reply filed by the petitioner was not at all considered by the respondent and hence, the impugned order has been passed in violation of principles of natural justice. Therefore, he requests this Court to set aside the said impugned order.

3. In reply, the learned Government Advocate appearing for the respondents would fairly submit that in this case, the reply was filed by the petitioner along with all the relevant documents, however, the same was not at all considered by the respondent while passing the impugned assessment order. Hence, she requests this Court to pass appropriate orders.

4. Heard the learned Senior counsel for the petitioner and the learned Government Advocate appearing for the respondents and also perused the entire materials available on record.



W.P.No.6210 of 2025

WEB COPY

5. In this case, it is clear that the reply was filed by the petitioner, along with all the relevant documents, however, the said reply was not considered by the Assessing Officer while passing the impugned assessment order, which is a clear violation of principles of natural justice. In such view of the matter, this Court is inclined to set aside the impugned order dated 05.02.2025 passed by the 2nd respondent.

Accordingly, this Court passes the following order:

i) The impugned assessment order dated 05.02.2025 is hereby set aside and this matter is remanded back to the 2nd respondent for fresh consideration.

ii) The Assessing Officer/2nd respondent is directed to consider the reply filed by the petitioner, along with all the relevant documents, 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.



W.P.No.6210 of 2025

6. With the above directions, this writ petition is disposed of. No

costs. Consequently, the connected miscellaneous petitions are also closed.

21.02.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

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- 2.State Tax Officer,
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W.P.No.6210 of 2025

KRISHNAN RAMASAMY.J.,

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