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W.P.No.6236 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

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The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.6236 of 2025

and

W.M.P.Nos.6846, 6848 and 6850 of 2025

Inuj Automation Pvt. Ltd.,
rep. by its Director
Mr.B.Selvam

...Petitioner

Vs.

1. The State Tax Officer (FAC)
(Formerly known as the Commercial Tax Officer)
Sriperumbudur : Kancheepuram :
Kancheepuram Division,
No.4/109, Chennai -Bangalore Road,
Varadharajapuram, Nazarethpet, Chennai – 600 123.
2. The Deputy Commissioner (ST)
Kancheepuram Zone,
1st Floor, Commercial Taxes Building,
Collectorate Campus,
Kanchipuram – 631 501.
3. The Branch Manager,
SHINHAN Bank,
No.84/1C2B1, Madavilakkam Village,
Bangalore High Way Road,
Nazarethpettai, Poonamallee,
Chennai – 600 105.

...Respondents



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Prayer :-Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records in Reference No.ZD330824220973B/2019-20 dated 24.08.2024 on the file of the first respondent and to quash the same as contrary to the law, and consequently to direct the second respondent to de-freeze the bank account bearing GSTIN : 33AAEC18287N1ZX/2024-25 dated 24.12.2024 of the petitioner-Registered Taxable Person.

For Petitioner : Mr.P.Bhuvanesh
For Respondents 1and 2 : Ms.P.Selvi
Government Advocate (T)

Order

Heard Mr.P.Bhuvanesh, learned counsel appearing for the petitioner and Ms.P.Selvi, learned Government Advocate (T) who takes notice on behalf of the respondents 1 and 2. With consent, the main Writ Petition is taken up for final disposal at the stage of admission itself.

2. The challenge in this Writ Petition is to the order passed by the first respondent dated 24.08.2024 and to quash the same as contrary to the law, and consequently to direct the second respondent to de-freeze the bank account of the petitioner.



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3. The learned counsel for the petitioner would submit that all the show cause notice/personal hearing notice, which culminated in the impugned order, were merely uploaded in the GST Portal under the "View Additional Notices Tab", hence, the same were unnoticed by the petitioner, therefore, the petitioner could not file reply nor appear for the personal hearing, however, without hearing the petitioner, the impugned order came to be passed.

3.1 Therefore, the learned counsel would submit that the impugned order suffers from violation of principles of natural justice and is liable to be aside, as the petitioner has not been heard before passing the impugned order. However, it is stated that the petitioner is also ready and willing to deposit 25% of the disputed tax, in the event, this Court is inclined to set aside the impugned order and remands the matter back to the Authority for fresh consideration, and thus, prays for appropriate orders.

4. The learned Government Advocate (T) for the respondents 1 and 2 fairly submitted that since the petitioner has voluntarily come forward to



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deposit 25% of the disputed tax, the prayer sought for by the petitioner may be considered.

5. Taking into consideration of the submissions made on either side and perusal of record, there is no dispute on the aspect that notices, which culminated in the impugned order were merely uploaded in the GST portal, which were unnoticed by the petitioner as the petitioner had no occasion to view the Portal then and there, hence, the petitioner could not file reply or appear for the personal hearing. However, the respondent passed the impugned order without even affording any opportunity of hearing to the petitioner, which is nothing but an ex parte order, as the same suffers from violation of principles of natural justice.

6. Thus, once the order is passed in violation of principles of natural justice, this Court cannot impose any condition requiring the petitioner to make any deposit, however, since the petitioner, themselves, have voluntarily come forward to deposit 25% of the disputed tax, to which, the learned is also agreeable, this Court is inclined to pass/issue the



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following orders/directions:-

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i) The impugned order passed by the first respondent dated 24.08.2024 is set aside

ii) Consequently, the matter is remanded to the first respondent for fresh consideration.

iii) The petitioner is granted liberty to deposit 25% of the disputed tax, which the petitioner themselves have voluntarily come forward to make such payment within a period of two weeks from the date of receipt of a copy of this order.

iv) Thereafter, the petitioner is directed to file a reply along with supportive documents within a period of two weeks.

v) Thereupon, the first respondent is directed to consider the reply and shall issue a clear 14 days notice affording an opportunity of personal hearing to the petitioner and shall decide the matter in accordance with law.

vi) Upon production of proof with regard to the payment of 25% of the disputed tax made by the petitioner, the respondent-Department is directed to pass appropriate orders towards de-freezure of the petitioner's bank account forthwith,



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inasmuch as, once the order is set aside, the attachment order can no longer survive and it has to be given a go-by

7. In the result, the Writ Petition is allowed on the aforesaid terms.

No costs. Consequently, connected Miscellaneous Petitions are closed.

24.02.2025

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To

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