



W.P.No.7799 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 11.03.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.7799 of 2025
& W.M.P.Nos.8762 & 8763 of 2025

Tvl.Subash Boobesh,
5/9, Poniamman Koil Street,
Puzhuthivakkam, Kancheepuram,
Tamil Nadu 600 091.

... Petitioner

Vs.

- 1.The Deputy State Tax Officer-2,
Nanganallur Assessment Circle,
Station No.571, Integrated Building for Registration
and Commercial Taxes Departments (South Tower),
Room No.224, 2nd Floor, Anna Salai,
Nandanam, Chennai 600 035.
- 2.The Assistant Commissioner,
Nanganallur Assessment Circle,
2nd Floor, Integrated Building for Registration
and Commercial Taxes Department (South Tower),
Anna Salai, Nandanam, Chennai 600 035.
- 3.The Branch Manager,
Indian Bank,
Plot A-14, First Street,
Senthuran Colony, Madipakkam,
Chennai 600 091.

... Respondent



W.P.No.7799 of 2025

Prayer:

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order bearing GSTIN 33AMWPB0501F1ZM/2019-20 (September) along with the Summary order bearing Ref.No.ZD330724029053Q dated 02.07.2024 passed by the 1st respondent and quash the same.

For Petitioner : Ms.N.Asmitha

For Respondent : Mr.V.Prashanth Kiran,
Government Advocate for R1 & R2

ORDER

This writ petition has been filed challenging the impugned order dated 02.07.2024 passed by the 1st respondent.

2. Mr.V.Prashanth Kiran, learned Government Advocate, takes notice on behalf of the respondents 1 & 2. 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 under the



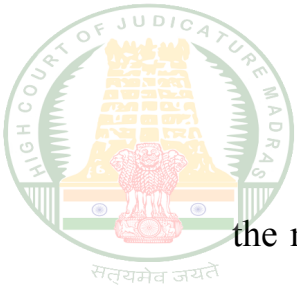
W.P.No.7799 of 2025

WEB COPY

“View Additional Notices and Orders” column in the GST common 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 has been filed.

4. Further, she would submit that the petitioner is willing to pay 25% of the disputed tax amount to the respondent. Hence, she requests this Court to grant an opportunity to the petitioner to present their case before the respondent by setting aside the impugned order.

5. On the other hand, the learned Government Advocate appearing for the respondents 1 & 2 would submit that the 1st respondent had uploaded the notices in the GST Online Portal. But the petitioner failed to avail the said opportunity. Further, he has fairly admitted that no opportunity of personal hearing was provided to the petitioner prior to the passing of impugned order. Therefore, he requested this Court to remit



W.P.No.7799 of 2025

WEB COPY

the matter back to the respondent, subject to the payment of 25% of the disputed tax amount by the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 & 2 and also perused the materials available on record.

7. In the case 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 petitioner is willing to pay 25% of the disputed tax amount to the respondent. In such view of the matter, this Court is inclined to set aside the impugned order dated 02.07.2024 passed by the 1st respondent. Accordingly, this Court passes the following order:-



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W.P.No.7799 of 2025

(i) The impugned order dated 02.07.2024 is set aside and the matter is remanded to the 1st respondent for fresh consideration on condition that the petitioner shall pay 25% of disputed tax amount to the 1st respondent within a period of four weeks from today (11.03.2025) and the setting aside of the impugned order will take effect from the date of payment of the said amount.

(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 1st 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.

(iv) Considering the fact that the impugned order itself has been set aside, this Court is of the opinion that the attachment made on the bank account of the petitioner cannot survive any longer and hence, it is to be lifted. As a sequel, the 3rd respondent is directed to release the attachment, and de-freeze the bank account



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W.P.No.7799 of 2025

of the petitioner, immediately upon the production of proof with regard to the payment made by the petitioner as stated above.

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

11.03.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

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W.P.No.7799 of 2025

KRISHNAN RAMASAMY.J.,

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