



WEB COPY



W.P.No.9883 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.03.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.9883 of 2025
& W.M.P.Nos.11102 & 11104 of 2025

M/s.Airtech India,
Rep by its Proprietor, Vaithium Anand Ramesh,
Door No.96, Elango Nagar,
South Virugambakkam, Chennai 600 092

... Petitioner

Vs.

The Assistant Commissioner (ST),
Saligramam Assessment Circle,
No.326, 3rd Floor, 46, Mylapore Taluk Office Building,
Greenways, R.A.Puram, Chennai 600 028.

... 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 1st respondent's impugned order dated 03.08.2024 bearing Ref.No.ZD330824023619A, issued by the 1st respondent under Section 73 of the TNGST/CGST Act, for the FY 2019-20 in so far as the alleged defects are concerned and quash the same as illegal, arbitrary and devoid



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of merit and further, direct the respondents to drop the demand raised in the impugned order and restrain the respondent from initiating any further consequential actions or proceedings under the said impugned order.

For Petitioner : Mr.S.Karunamoorthy

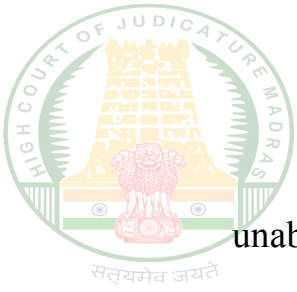
For Respondent : Ms.Amirta Poonkodi Dinakaran,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 03.08.2024 passed by the respondent.

2. Ms.Amitra Poonkodi Dinakaran, 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 despite the receiving of show cause notice dated 29.05.2024, the petitioner was



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unable to file their reply due to personal and family related difficulties.

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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, he would submit that the petitioner is willing to pay 25% of the disputed tax amount to 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 order.

5. On the other hand, the learned Government Advocate appearing for the respondent would submit that the respondent 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, subject to the payment of 25% of the disputed tax amount by the petitioner.



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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 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 03.08.2024 passed by the respondent. Accordingly, this Court passes the following order:-



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(i) The impugned order dated 03.08.2024 is set aside and the matter is remanded to the respondent for fresh consideration on condition that the petitioner shall pay 25% of disputed tax amount to the respondent within a period of four weeks from today (21.03.2025) 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 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.



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

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

The Assistant Commissioner (ST),
Saligramam Assessment Circle,
No.326, 3rd Floor, 46, Mylapore Taluk Office Building,
Greenways, R.A.Puram, Chennai 600 028.



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KRISHNAN RAMASAMY.J.,

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