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W.P.No.10672 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.03.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.10672 of 2025
& W.M.P.Nos.12027 & 12028 of 2025

Krish Enterprises,
Rep by its Proprietor,
Krishnamoorthy Muthugoundar,
383, Konerikarai, Kandhampatti Bypass,
Salem, Tamil Nadu.

... Petitioner

Vs.

The Assistant Commissioner (ST),
Suramangalam Assessment Circle,
Salem

... 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 on the files of the respondent herein in GSTIN/33AEKPK0260Q1ZB/2019-20 in Form GST DRC07 proceedings in order Ref.No.ZD330824075152I dated 09.08.2024 and quash the same.



W.P.No.10672 of 2025

WEB COPY

For Petitioner : Ms.Siri Chandana K

For Respondent : Ms.K.Vasanthamala,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 09.08.2024 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 under the “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



W.P.No.10672 of 2025

WEB COPY

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 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.



W.P.No.10672 of 2025

WEB COPY

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 09.08.2024 passed by the respondent. Accordingly, this Court passes the following order:-

(i) The impugned order dated 09.08.2024 is set aside and the matter is remanded to the respondent for fresh consideration on condition that the petitioner shall



WEB COPY



W.P.No.10672 of 2025

pay 25% of disputed tax amount to the respondent within a period of four weeks from today (27.03.2025) 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.

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



W.P.No.10672 of 2025

27.03.2025

WEB COPY

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Assistant Commissioner (ST),
Suramangalam Assessment Circle,
Salem



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W.P.No.10672 of 2025

KRISHNAN RAMASAMY.J.,

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W.P.No.10672 of 2025
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27.03.2025