IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Dated : 26.03.2025**

Coram

**The Hon'ble Mr.Justice Krishnan Ramasamy**

**W.P.No.11003 of 2025**
**and**
**W.M.P.Nos.12405 and 12408 of 2025**

Jagatheshbabu ... Petitioner

..Vs..

1. State Tax Officer (Intelligence),
   Inspection-IV,
   Office of the Joint Commissioner (ST) (Intelligence)
   Commercial Tax Office Complex,
   No.4, Bharthiar Salai, Fort Round Road,
   Vellore-632001.

2. The Branch Manager,
   Karur Vysya Bank
   New No.224, Old No.32/B, Raja Street,
   Chengam-606701, Tiruvannamalai District,
   Tamil Nadu. ... Respondents

**Prayer:** This Writ Petition filed under Article 226 of the Constitution of India for issuance of a a Writ of Certiorarified Mandamus to call for the records on the file of the Respondent in issuing the impugned order in *GSTIN No*.33AGBPJ6864C1ZO/2021 dated 04.12.2023 for the Financial year 2020-2021 to quash the same as arbitrary, illegal and devoid of merit and further direct the respondent to grant an opportunity to file a response before the Respondent.

For Petitioner : Mr.Durga Bhatt

For Respondent : Mr.C.Harsha Raj
Special Government Pleader

**ORDER**

The challenge in these writ petition is to the order dated 04.12.2023 passed by the respondent and to quash the same.

3. Mr.C.Harsha Raj, learned Special Government Pleader (Taxes), takes notice on behalf of the respondent.

4. By consent of the parties, the main Writ Petition is taken up for disposal at the time of admission stage itself.

5. The learned counsel for the petitioner submits that though the show cause notice followed by reminders were issued to the petitioner proposing the demand for the Assessment years 2020-2021, due to ill health the petitioner could not submit its reply and even appear for personal hearing and also unable to instruct his accountant to file reply to the show cause notices. Subsequently, the respondent passed the impugned assessment order dated 04.12.2023,

demanding tax along with interest and penalty for the aforesaid Assessment Year. Pursuant to the impugned order, the respondent also initiated recovery proceedings against the petitioner vide order dated 17.02.2025.

6. Further, he would submit that impugned assessment orders came to be passed without affording an opportunity of personal hearing to the Petitioner and therefore the same is passed in violation of principles of natural justice. Hence he prays to set aside the impugned order.

7. The learned Special Government Pleader (Taxes) appearing for the Respondent submitted that though the Show Cause Notice as well as the reminder notices were issued to the Petitioner, the petitioner neither failed to submit its reply nor appeared for personal hearing and hence impugned assessment order came to be passed.

8. In reply, the learned counsel for the petitioner would fairly submit that the petitioner is now ready and willing to pay 25% of the disputed tax liability made by the respondent in the event of providing an opportunity to them to file their reply along with the required documents to substantiate their

claim, for which, the learned Special Government Pleader (Taxes) appearing for the Respondent has no serious objection.

9. Heard the learned counsel for the petitioner and the learned Special Government Pleader (Taxes) for the Respondent and also perused the materials available on record.

10. In the present case, due to the ill health of the petitioner, the petitioner could not file its reply to the show cause notice and could not appear for personal hearing. Under such circumstances, impugned order came to be passed.

11. It is settled law that violation of principles of natural justice is a failure of due process. If any order is passed against the petitioner with demand, that order has to be passed after giving an opportunity of personal hearing to the petitioner otherwise, it will amount to depriving the interest of the petitioner and the same amounts to violation of principles of natural justice.

12. In the case on hand, the impugned order came to be passed without hearing the petitioner. Hence, this Court is of the view that the impugned orders

passed is in violation of principles of natural justice and it is just and necessary to provide an opportunity to the petitioner to establish their case on merits. In such view of the matter, this Court is inclined to set aside the impugned assessment order dated 04.12.2023 passed by the Respondent. Accordingly, this Court passes the following order:-

(i) The impugned order dated 04.12.2023 is set aside and the matter is remanded to the Respondent for fresh consideration on condition that as volunteered by the Petitioner, they shall pay 25% of disputed tax to the Respondent within a period of ***four weeks*** from the date of receipt of a copy of this order 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 two weeks thereafter.

(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.

(iv) Considering the fact that the impugned order itself has been set aside, this Court is of the opinion that the attachment, if any made on the bank account of the Petitioner, cannot survive any longer and hence, it is lifted. As a sequel, the 2nd respondent is directed to release the attachment on the bank account of the petitioner, immediately upon the production of proof with regard to the payment of 25% as stated above.

12. Accordingly, the writ petition is disposed of. There is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

**26.03.2025**
**(2/2)**

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
arr

To

1. State Tax Officer (Intelligence),
Inspection-IV,
Office of the Joint Commissioner (ST) (Intelligence)
Commercial Tax Office Complex,
No.4, Bharthiar Salai, Fort Round Road,
Vellore-632001.

2. The Branch Manager,

Karur Vysya Bank
New No.224, Old No.32/B, Raja Street,
Chengam-606701, Tiruvannamalai District,
Tamil Nadu.

**Krishnan Ramasamy,J.,**
arr

**W.P.No.11003 of 2025**

**26.03.2025**