IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.11373 of 2025 &
W.M.P.Nos.12821, 12824 and 12825 of 2025

Sai Sannidhi Logistics,
Represented by its Proprietrix B Srinidhi
47A,Thendral Street Kumaran Nagar Extension Padi,
Chennai 600 050.
.. Petitioner

.. Vs..

1. The State Tax Officer Padi
Assessment Circle
no.426 A 4th floor nandanam,
chennai 600 035.47A,Thendral
Street Kumaran Nagar Extension
Padi,Chennai 600 050

2.The Deputy commissioner(ST)
Ambattur Zone
4thFloor,Room No.426, PAPJM
Building No.1,Greams Road
Chennai 600 006

3.The Branch Manager
HDFC Bank Chennai Anna Nagar

Branch AA-8,2nd Avenue ,Anna
Nagar Chennai 600 040.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the impugned proceedings of the respondent in GSTIN 33EOCPS1117A1ZL/2018-2019 dated 10.4.2024 and the connected order dated 10.4.2024 passed under section 73 and the summary of the order passed in Form GST DRC-07 dated 10.4.2024 and quash the same as passed contrary to the principles of natural justice and against the provisions of the CGST and TNGST Act,2017.

For Petitioner : Mr.P.Rajkumar

For Respondents : Ms.AmirthaPoonkodi Dinakaran
Government Pleader (Taxes)

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ORDER

This Writ petition has been filed challenging the order passed by the 2nd respondent dated 10.04.2024 and to quash the same.

2. The learned counsel for the petitioner would submit that the show cause notice/communication, which culminated in the impugned order followed by reminders of personal hearing were merely uploaded

in the GST Portal, and since the same were not served physically, the petitioner was not aware of the same and hence failed to file its reply. Subsequently, assessment order as well as summary order dated 10.04.2024 came to be passed, demanding tax along with interest and penalty for the assessment year 2018-19. Subsequently, the bank account of the petitioner has been attached by the second respondent.

3. The learned counsel would submit that the impugned order suffers from violation of principles of natural justice and are liable to be set aside, as the petitioner has not been afforded with any opportunity of personal hearing. However, the learned counsel would submit that in the event, this Court is inclined to set aside the impugned orders, the petitioner is agreeable to pay 25% of the disputed tax amount and hence, prayed for appropriate orders.

4. The learned Government Advocate (Taxes) appearing for the respondent fairly submitted that if the petitioner is ready and willing to deposit 25% of the disputed tax, then, the prayer sought for by the

petitioner may be considered.

5. I have given due considerations to the submissions made on either side and perused the materials available on record.

6. In the present case, it appears 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 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 orders dated 10.04.2024 passed by the 1st respondent.

7. Accordingly, this Court passes the following order:

(i) The orders impugned herein are 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 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 orders 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 to be lifted. As a sequel, the 3rd respondent is directed to release the attachment on the bank account of the petitioner, on production of proof with regard to payment of 25% as stated above.

28.03.2025

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To

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KRISHNAN RAMASAMY.J.,

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