IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.17702 of 2025
and
W.M.P.Nos.19984 & 19985 of 2025

Deccan Games Private Limited,
Rep. by its Director,PITCHAI MUTHU
No.1, 5th Floor, F NOV VC, Rashmi Towers,
Village Road,
Valluvarkottam High Road,
Nungambakkam,
Chennai-600034. ...Petitioner

Vs.

Assistant Commissioner
Commercial Taxes Department,
Valluvarkottam Assessment Circle
Valluvarkottam:Chennai-III,
121 M G Road, Nungambakkam,
Chennai 600 034. ...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned Order-in-Original Reference

No.ZD330424077080R dated 10.04.2024 along with the proceedings bearing GSTIN/33AAECD7909 C1ZX/2018-19 dated 08.04.2024 issued by the Respondent herein and quash the same and consequently direct the Respondent to reassess the input tax credit in respect of the supply of goods and services claimed by the Respondent in Form GSTR3B as the case may be by providing an opportunity to the petitioner.

For Petitioner : Mr.S.Patrick

For Respondent : Mr.V.Prashanth Kiran
Government Advocate (Taxes)

<u>Order</u>

Mr.V.Prashanth Kiran, learned Government Advocate (Taxes), who takes notice on behalf of the respondent. With consent, the main Writ Petition is taken up for final disposal at the stage of admission itself.

2. The challenge in this Writ Petition is to the order dated 10.04.2024 passed by the respondent for the AY 2018-19 and to quash the same and also for a consequential direction to the respondent to reassess the input tax credit in respect of the supply of goods and services claimed by the Respondent in Form GSTR3B as the case may be by providing an opportunity to the petitioner

3. The learned counsel for the petitioner would submit that the respondent has issued a show cause notice on 21.12.2023 followed by three reminder notices dated 01.03.2023, 12.03.2024 and 19.03.2024 by uploading the same in the GST portal without serving physical copy to the petitioner. Therefore, the petitioner was not aware of the same and that apart since one of the Directors of the Petitioner's Company was sick at the relevant point of time and another Director was in abroad, they failed to submit the reply. Since the petitioner failed to file reply to the said show cause notice, the respondent has confirmed the proposals contained in the show cause notice and passed the present impugned order. Therefore, the learned counsel would submit that the impugned order suffers from violation of principles of natural justice and is liable to be aside, as the petitioner has not been heard before passing the impugned order.

3.1. It is also submitted by the learned counsel for the petitioner that the petitioner is ready and willing to deposit 25% of the disputed tax, in the event, this Court is inclined to set aside the impugned order and remand the matter back to the Authority for fresh consideration.

4. The learned Government Advocate (Taxes) for the respondent vehemently contended that the show cause notice was served to the petitioner by way of RPAD apart from uploading in the GST portal, despite the same, the petitioner failed to submit its reply. Therefore, the assessment order came to be passed. However, he fairly submitted that since the petitioner has voluntarily come forward to deposit 25% of the disputed tax, the prayer sought for by the petitioner may be considered.

5. Considering the above submissions made by the learned counsel on either side and upon perusal of the materials, it is evident that the impugned show cause notice was uploaded in the GST Portal Tab as well as served by way of RPAD, despite the same, the petitioner failed to submit its reply.

6. The learned counsel for the petitioner submitted that since one of the Directors of the Petitioner's Company was sick at the relevant point of time and another Director was in abroad, they failed to submit its reply.

7. Therefore, in the interest of justice and in order to provide one more opportunity to the petitioner to substantiate its case, is inclined to set-aside the impugned order subject to payment of a sum of Rs,15,000/- to the Naturopathy Medical College and Hospital along with payment of 25% of the disputed tax amount to the respondent. Accordingly this Court passes the following order:

i) The impugned order passed by the respondent dated 08.04.2024 is set aside subject to payment of a cost of Rs.15,000/- to the Principal Government Naturopathy Medical College and Hospital, Account No.7883022723, IFSC Code: IDIB000M157, within a period of 2 weeks from the date of receipt of copy of this order. The petitioner is also granted liberty to deposit 25% of the disputed tax, which the petitioner themselves had voluntarily came forward to make such payment, within a period of two 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 amounts.

ii) Consequently, the matter is remanded to the respondent for fresh consideration.

iii) Thereafter, the petitioner is directed to file a reply along with supportive documents within a period of two weeks.

v) Thereupon, the respondent is directed to consider the reply and shall issue a clear 14 days notice affording an opportunity of personal hearing to the petitioner and shall decide the matter in accordance with law.

8. With the above observations & directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.06.2025
(2/2)

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Index : yes/no
Neutral Citation : yes/no

To

Assistant Commissioner
Commercial Taxes Department,
Valluvarkottam Assessment Circle
Valluvarkottam:Chennai-III,
121 M G Road, Nungambakkam,
Chennai 600 034.

Krishnan Ramasamy,J.,

arr

W.P.No.17702 of 2025

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