



W.P.No.22259 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.22259 of 2025

& W.M.P.Nos.25037, 25038 & 25040 of 2025

Tvl.Sri Kumaran Traders
Rep. by its Proprietor Madhavi
Venkataramanan, Medavakkam Main Road
Ullagram Chennai Tamil Nadu 600 091
GSTIN 33BYXPM4152R1ZH

... Petitioner

Vs.

1. The Deputy State Tax Officer-1(fac)
Nanganallur Assessment Circle, No.5701, Integrated
Commercial Taxes And Registration Department
(south Tower) Room No.224 2nd Floor, Anna Salai,
Nandanam, Chennai-600 035.
2. The Deputy Commissioner CT
GST Appeal Chennai II Commercial Tax Building Greams Road
Thousand lights Chennai 600 006
3. The Assistant Commissioner ST
Nanganallur Assessment Circle 2nd Floor Integrated
Building for Registration and Commercial Taxes
Departments Nandanam Chennai 600 035

... Respondents



W.P.No.22259 of 2025

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Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the files of the 1st Respondents Order pertaining to GSTIN 33BYXPM4152R1ZH/ 2019-20 dated 22.08.2024, quash the same as illegal and consequently direct the 1st respondent to consider the matter afresh after providing opportunity of hearing and dispose the case on merits

For Petitioner : Mr.S.Rajesh

For Respondent : Ms.K.Vasanthamala, GA

ORDER

This writ petition has been filed challenging the impugned order dated 22.08.2024 passed by the respondents.

2. Ms.K.Vasanthamala, learned Government Advocate, takes notice on behalf of the respondents. 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 in this



W.P.No.22259 of 2025

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case, 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 1st respondent without providing any opportunity of personal hearing to the petitioner. Therefore, this petition has been filed.

4. Further, he would submit that the respondent has already recovered 50% of the disputed tax amount from the petitioner. 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 respondents 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



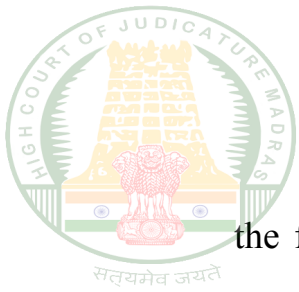
W.P.No.22259 of 2025

passing of impugned order. Therefore, she requested this Court to remit the matter back to the 1st respondent.

6. Heard the learned counsel for the petitioner and and the learned Government Advocate for the respondents and also perused the materials available on record.

7. In the case on hand, it is evident that the show cause notice and subsequent reminders were uploaded on the GST Portal Tab. According to the petitioner, he was not aware of the issuance of the said show cause notice and the reminders issued through the GST Portal and the original of the said show cause notice and reminders were not furnished to them. In such circumstances, this Court is of the view that the impugned assessment order came to be passed without affording any opportunity of personal hearing to the petitioner, confirming the proposals contained in the show cause notice.

8. No doubt, sending notice by uploading in portal is a sufficient service, but, the Officer who is sending the repeated reminders, inspite of



W.P.No.22259 of 2025

WEB COPY

the fact that no response from the petitioner to the show cause notices etc., the Officer should have applied his/her mind and explored the possibility of sending notices by way of other modes prescribed in Section 169 of the GST Act, which are also the valid mode of service under the Act, otherwise it will not be an effective service, rather, it would only fulfilling the empty formalities. Merely passing an *ex parte* order by fulfilling the empty formalities will not serve any useful purpose and the same will only pave way for multiplicity of litigations, not only wasting the time of the Officer concerned, but also the precious time of the Appellate Authority/Tribunal and this Court as well.

9. Thus, when there is no response from the tax payer to the notice sent through a particular mode, the Officer who is issuing notices should strictly explore the possibilities of sending notices through some other mode as prescribed in Section 169(1) of the Act, preferably by way of RPAD, which would ultimately achieve the object of the GST Act. Therefore, this Court finds that there is a lack of opportunities being provided to serve the notices/orders etc., effectively to the petitioner.



W.P.No.22259 of 2025

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10. Further, it was submitted by the learned counsel for the petitioner that the respondent has already recovered 50% of the disputed tax amount from the petitioner. In such view of the matter, this Court is inclined to set aside the impugned order dated 22.08.2024 passed by the 1st respondent. Accordingly, this Court passes the following order:-

(i) The impugned order dated 22.08.2024 is set aside and the matter is remanded to the 1st respondent for fresh consideration.

(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 a 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.

(iv) Considering the fact that the impugned order itself has been set aside, this Court is of the opinion that the attachment made on the bank account of the petitioner cannot survive any longer and hence, it is to



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W.P.No.22259 of 2025

be lifted. As a sequel, the 1st respondent is directed to instruct the concerned Bank to release the attachment, and de-freeze the bank account of the petitioner, immediately upon the production of a copy of this order.

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

23.06.2025

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

To

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W.P.No.22259 of 2025

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W.P.No.22259 of 2025

KRISHNAN RAMASAMY.J.,

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