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W.P.No.22431 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.22431 of 2025
& W.M.P.Nos.25218 & 25220 of 2025

M/s.Bugmen and Badgerer Private Limited,
Rep. by its Managing Director Mr.Cyril
Kurvila Jacob,
No.16, Sri Devi Karumariamman Nagar,
Nagi Reddy Street, Valasaravakkam,
Chennai - 600 087.

... Petitioner

Vs.

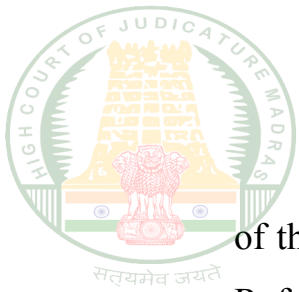
1.The Assistant Commissioner (ST)
Saligramam Assessment Circle,
Room.No.307, 3rd Floor,
Mylapore Taluk Office Building,
Greenways Road, Chennai - 600 028.

2.The Deputy Commissioner
GST Appeal Chennai-1,
Greens Road, PAPJM Buildings,
Main Building, 2nd Floor,
Chennai - 600 006.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, call for the records



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of the first respondent in the show cause notice in form GST DRC-01 in Reference No.ZD330524246798Z dated 27.05.2024 and the consequential impugned order in GSTIN/33AAICB2900M1ZU/2019-20 dated 20.08.2024 and the impugned order of second respondent in Form GST APL-02 dated 07.05.2025 quash the same.

For Petitioner : Mr.J.Sunil Kumar

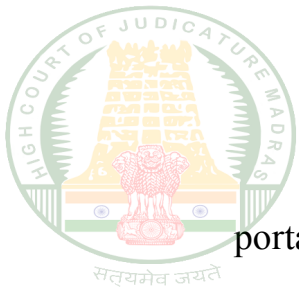
For Respondents : Mr.V.Prashanth Kiran,
Government Advocate (T)

ORDER

This writ petition has been filed challenging the impugned order dated 27.05.2024 passed by the respondent.

2. Mr.V.Prashanth Kiran, 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 case, all notices/communications were uploaded by the respondent under the “View Additional Notices and Orders” column in the GST common



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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 any opportunity of personal hearing to the petitioner. Challenging the said impugned order, the petitioner filed an appeal with a delay of 129 days, which was also rejected on the ground of limitation. Therefore, this petition has been filed.

4. Further, he would submit that the petitioner has already deposited 10% of the disputed tax amount to the respondents and now, the petitioner is willing to pay 15% of the disputed tax amount. 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 respondent would fairly admit that no opportunity of personal hearing was provided to the petitioner prior to the passing of impugned order. Therefore, he requested this Court to remit the matter



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back to the respondent, subject to the payment of 25% of the disputed tax amount by the petitioner.

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

7. In the case on hand, it is evident that the show cause notice was uploaded on the GST Portal Tab. According to the petitioner, he was not aware of the issuance of the said show cause notice issued through the GST Portal and the original of the said show cause notice was 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



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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.



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10. Further, it was submitted by the learned counsel for the petitioner that they had already deposited 10% of the disputed tax amount and now, he is willing to pay 15% of the disputed tax amount. In such view of the matter, this Court is inclined to set aside the impugned order dated 20.08.2024 passed by the second respondent. Accordingly, this Court passes the following order:-

(i) The impugned order dated 20.08.2024 is set aside and the matter is remanded to the second respondent for fresh consideration on condition that the petitioner shall pay 15% of the disputed tax amount, within a period of four weeks from the date of receipt of a copy of this order. 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 payment of amount as stated above.

(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



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appropriate orders on merits and in accordance with law, after hearing the petitioner, as expeditiously as possible.

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

24.06.2025

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

To

- 1.The Assistant Commissioner (ST)
Saligramam Assessment Circle,
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Mylapore Taluk Office Building,
Greenways Road, Chennai - 600 028.
- 2.The Deputy Commissioner
GST Appeal Chennai-1,
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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 03.07.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

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& W.M.P.Nos.25218 & 25220 of 2025

M/s.Bugmen and Badgerer Private Limited,
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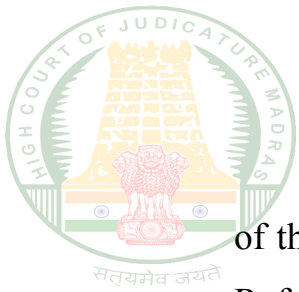
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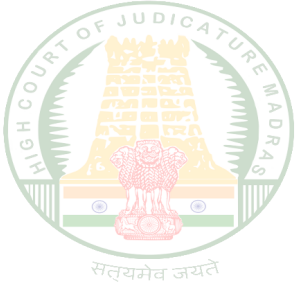
For Petitioner : Mr.J.Sunil Kumar

For Respondents : Mr.V.Prashanth Kiran,
Government Advocate (T)

ORDER

This matter has been listed under the caption 'For Being Mentioned' at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that in fifth line of the paragraph 10 and 2nd line of paragraph 10 (i) of the order dated 24.06.2025 passed by this Court in the aforesaid writ petition, inadvertently it was typed as 2nd respondent instead of 1st respondent.



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3. Registry is directed to carry out the aforesaid corrections and

issue fresh order copy to the parties concerned.

03.07.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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