



W.P.No.22802 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 25.06.2025

CORAM

The HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.22802 of 2025
and
WMP.Nos.25616 and 25619 of 2025

Tvl.Susairaj David Joseph
[Trade Name: Premier Hospital Steel
Furniture]
represented by its Proprietor,
265,S.N.Chetty Street, Royapuram,
Chennai-600013, Tamil Nadu.

...Petitioner

Vs.

Deputy Commercial Tax Officer,
Royapuram North-II, Chennai North,
No.32, Elephant Gate Bridge Road,
Chennai-600 003.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari calling for the records of the order of Assessment in DRC-07 bearing Reference No.ZD330225226088M in GSTIN/IND:33ANPPD0331F2ZK/Apr 2020- Mar 2021 dated 22.02.2025 passed by the respondent.



WEB COPY



W.P.No.22802 of 2025

For Petitioner : Mr.R.Ganesh Kanna
For Respondent : Mrs.K.Vasanthamala
Government Advocate (Taxes)

ORDER

Mrs.K.Vasanthamala, learned Special Government Advocate (Taxes), 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 22.02.2025 passed by the respondent for the AY 2020-21 and to quash the same.

3.The learned counsel for the petitioner would submit that the respondent has issued a show cause notice on 25.11.2024 followed by two reminder notices dated 04.02.2025 and 07.02.2025 to the petitioner 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 hence failed to file reply to the show cause notice. Since the petitioner failed to



W.P.No.22802 of 2025

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 10% 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 fairly submitted that since the petitioner has voluntarily come forward to deposit 10% of the disputed tax, the prayer sought for by the petitioner may be considered.

5. Considering the above submissions made by the learned counsel



W.P.No.22802 of 2025

on either side and upon perusal of the materials, it is evident that the impugned show cause notice was uploaded on the GST Portal Tab.

According to the petitioner, the petitioner was not aware of the issuance of the show cause notice issued through the GST Portal and the original of the said show cause notice was not furnished to them.

6. No doubt sending notice by uploading in portal is a sufficient service, but, the Officer who is sending the repeated reminders, inspite of 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. Thus, when there is no response from the tax payer



W.P.No.22802 of 2025

WEB COPY

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.

7. Therefore, this Court finds that there is a lack of opportunities being provided to serve the notices/orders etc., effectively to the petitioner. 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. Hence, this Court is inclined to set-aside the impugned order with terms, by issuing the following directions:-

i) The impugned order passed by the respondent dated 22.02.2025 is set aside.

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

iii) The petitioner is granted liberty to deposit 10% of the disputed tax, which the petitioner themselves had voluntarily come forward to make



W.P.No.22802 of 2025

such payment, within a period of two weeks from the date of receipt of a copy of this order.

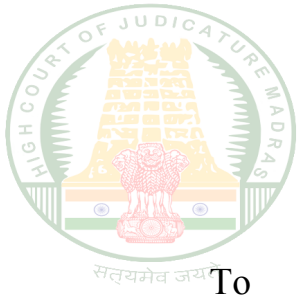
iv) Thereafter, the petitioner is directed to file a reply along with supportive documents within a period of two weeks.

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.

25.06.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
arr



W.P.No.22802 of 2025

To
WEB COPY

Deputy Commercial Tax Officer,
Royapuram North-II, Chennai North,
No.32, Elephant Gate Bridge Road,
Chennai-600 003.



WEB COPY



W.P.No.22802 of 2025

KRISHNAN RAMASAMY, J.

arr

**Writ Petition No.22802 of 2025
and
WMP.Nos.25616 and 25619 of 2025**

25.06.2025



WEB COPY



W.P.No.22802 of 2025