IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.24605 of 2025
& W.M.P.Nos.27728 & 27730 of 2025

M/s.VMS Engineering Works
Represented By Its Proprietor M. Sudhakar,
No.1/135a, Villiyanallur North Street,
Chidambaram, Cuddalore-608501

... Petitioner

Vs.

1. The State Tax Officer
Chidambaram-1 Assessment Circle,
Chidambaram.

2. The Branch Manager
Canara Bank, No.49/2a, 4th Main Road,
Puduchatram, Chidambaram Taluk,
Cuddalore-608801

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the first respondent in his proceedings in GSTIN 33EYQPS0622L2ZZ/2021-22, quash the order dated 17.12.2024 passed therein.

For Petitioner : Mr.P.V.Sudhakar

For Respondent : Ms.Amirta Poonkodi Dinakaran, GA

ORDER

This writ petition has been filed challenging the impugned order dated 17.12.2024 passed by the respondent.

2. Ms.Amirta Poonkodi Dinakaran, learned Government Advocate, takes notice on behalf of the 1st respondent. 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, the show cause notice was issued by the respondent on 27.04.2023. Upon receipt of the said notice, the petitioner had duly filed their reply on 23.08.2024. Thereafter, the impugned order came to be passed by the respondent without providing any opportunity of personal hearing to the petitioner, which is violation of principles of natural justice. Therefore, this petition has been filed.

4. 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, she requested this Court to remit the matter back to the respondent.

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

6. In the case on hand, it is evident that the show cause notice was uploaded by the respondent on 27.04.2023. Thereafter, the petitioner had filed their reply on 23.08.2024. Subsequently, 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.

7. Normally, if the respondent is intend to pass any adverse order against the Assessee, under Section 75(4) of the GST Act, 2017, it is mandatory for them to provide an opportunity of personal hearing prior to the passing of assessment order. However, in this case, no such opportunity of personal hearing was provided to the petitioner and thus, it is clear that the impugned order came to be passed not only in contrary to the provisions of Section 75(4) of the GST Act but also in violation of principles of natural justice and hence, the said order is liable to be set aside.

8. Therefore, considering the submissions made by the petitioner and in the interest of justice, this Court is inclined to set aside the impugned order dated 17.12.2024 passed by the respondent on terms. Accordingly, this Court passes the following order:-

(i) The impugned order dated 17.12.2024 is set aside and the matter is remanded to the respondent for fresh consideration.

(ii) Considering the delay in approaching this Court, the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to The Principal Government Naturopathy Medical College and Hospital, Account No.7883022723, IFSC Code: IDIB000M157, 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.

(iii) 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.

(iv) 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.

(v) 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 be lifted. As a sequel, the 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 the proof with regard to the payment, as stated above, along with a copy of this order.

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

08.07.2025

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

To

1. The State Tax Officer
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Chidambaram.

2. The Branch Manager
Canara Bank, No.49/2a, 4th Main Road,
Puduchatram, Chidambaram Taluk,
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KRISHNAN RAMASAMY.J.,

nsa

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(1/2)