



W.P.No.29598 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.08.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.29598 of 2025

and

W.M.P.Nos.33159, 33161 and 33162 of 2025

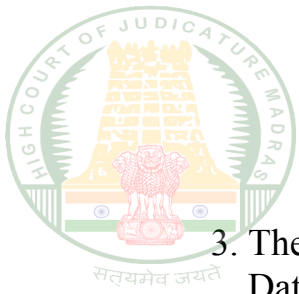
Sindhu Enterprises,
Rep. by its Proprietor Mr .JayaprakashJayaganesh,
217, P Dot G Express Apartments,
Gandhi Road, Hitech Main City,
Manikandan Nagar, Kundrathur,
Kancheepuram, Tamil Nadu - 600 069

...Petitioner

Vs.

1. The Appellate Authority /
The Deputy Commissioner (CT) ,
ST, GST Appeal Chennai II,
CT Main Building, 2nd Floor,
Chennai 600 006.

2.The Assistant Commissioner (ST) (FAC),
Tambaram Assessment Circle,
Integrated buildings of commercial taxes and registration
Department,
Nandanam, Chennai- 35.



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3. The State Tax Officer,
Data Unit-I, Intelligence-II,
Chennai- 600 006.

4. The Branch Manager,
Axis Bank, Pallavaram Branch,
Chennai.

...Respondents

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 pertaining to Impugned Order No. 33ALVPJ0937H2ZW/ 2019-20 Dated 30.06.2023 issued by the 2nd respondent under TNGST Act, 2017 /CGST Act, 2017 (Reference Demand Id No. ZD3306231418785) and consequential impugned order of rejection of application Reference No. ZD330425160072U Dated 22.04.2025 in 33ALVPJ0937H2ZW /2019-20 passed by the 1st respondent and quash the same as illegal, arbitrary and violative of principals of natural justice and consequently directing the 1st and 2nd respondents to defreeze the Current Account no. 918020047637007 and Savings Account no. 909010045745897 on the file of 4th respondent and the matter may be remanded back to respondents for fresh consideration.

For Petitioner : Mr.U.Karunakaran
For Respondents : Mr.V.Prasanth Kiran (R1 to R3)
Government Advocate (Taxes)

ORDER



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Mr.V.Prashanth Kiran, learned Government Advocate (Taxes),

takes notice on behalf of the respondents 1 to 3. 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 30.06.2023 passed by the 2nd respondent and the consequential impugned order of rejection of appeal dated 22.04.2025 passed by the 1st respondent and to quash the same and consequently direct the 1st and 2nd respondents to defreeze the Current Account No. 918020047637007 and Savings Account No. 909010045745897 on the file of the 4th respondent and the matter may be remanded back to respondents for fresh consideration.

3. The learned counsel for the petitioner would submit that the 2nd respondent has issued a show cause notice dated 31.10.2022 by uploading the same in the GST portal without serving physical copy of the same to the petitioner. Therefore, the petitioner was not aware of the show cause notice and failed to submit the reply. Since the petitioner failed to file reply to the said show cause notice, the 2nd respondent has confirmed the proposals



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contained in the show cause notice and passed the impugned assessment

order dated 30.06.2023. Subsequently, the petitioner filed an appeal on

30.01.2024 before the 1st respondent with delay of 121 days and the same

was also rejected vide order dated 22.04.2025 on the ground of delay.

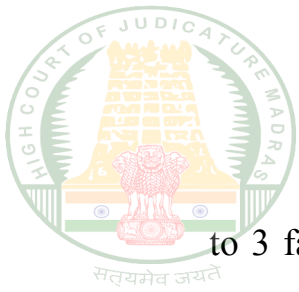
Further, the learned counsel would submit that the impugned orders suffers

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 has already deposited 10% at the time of filing appeal and is ready and willing to deposit 15% of the disputed tax, in the event, this Court is inclined to set aside the impugned assessment order and remand the matter back to the Authority for fresh consideration. He would further submit that there is bank attachment and the same may be lifted, subject to the payment of 15% of the disputed tax. Hence, he prayed for appropriate directions.

4. The learned Government Advocate (Taxes) for the respondents 1

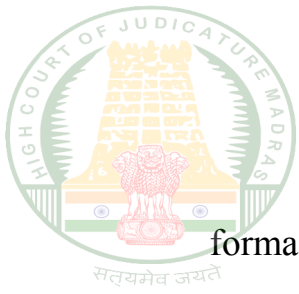


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to 3 fairly submitted that since the petitioner has voluntarily come forward to deposit 15% of the disputed tax, the prayer sought for by the petitioner may be considered.

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 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



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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 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 assessment order with terms, by issuing the following directions:-



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i) The impugned order passed by the 2nd respondent dated 30.06.2023 is set aside.

ii) Consequently, the matter is remanded to the 2nd respondent for fresh consideration.

iii) The petitioner is granted liberty to deposit 15% of the disputed tax, which the petitioner themselves had voluntarily come forward to make 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 2nd 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.

vi) Upon production of proof with regard to the payment of 25% (10%+15%) of the disputed tax made by the petitioner, the 4th respondent is directed to de-freeze the petitioner's bank account forthwith.



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8. Since the impugned assessment order itself is set aside and remanded back to the 2nd respondent, the order passed by the 1st respondent in rejecting the appeal is also set aside.

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

07.08.2025

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Index : yes/no

Neutral Citation : yes/no



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Krishnan Ramasamy,J.,

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