



W.P. No.39981 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.39981 of 2024

and

W.M.P.Nos.43287 and 43288 of 2024

M/s.Vinay Blue Metal,
Represented by its proprietor,
Mr.M.Vinay Kumar,
08 Hosur Main Road, Sanamavu,
Hosur, Krishnagiri District 635113.

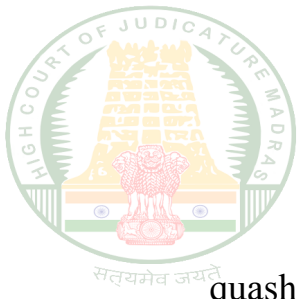
.. Petitioner

Vs.

The Deputy State Tax Officer (Intelligence),
Adjudication & Legal Wing,
Office of the Joint
Commissioner (ST) (Intelligence Wing),
3/47, Sapthagiri Complex,
Thorapalli Agraharam Village,
Gandhi Nagar, Hosur Taluk,
Krishnagiri District 635109.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the connected records pertaining to the impugned proceedings of the respondent herein made in GSTIN:33AXCPV6736D1ZF/2022-23 dated 01.04.2024 and



W.P. No.39981 of 2024

quash the same.
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For Petitioner : Mr.Manoharan S Sundaram

For Respondent : Mr.V.Prashanth Kiran
Government Advocate

ORDER

The present writ petition is filed challenging the impugned order dated 01.04.2024, passed by the respondent in GSTIN 33AXCPV6736D1ZF/2022-23, on the premise that the same is made in violation of principles of natural justice.

2. It is submitted by the learned counsel for the petitioner that the petitioner is engaged in the business of selling Granite, Sandstone, etc., and is registered under the GST Act. During the relevant period of 2022-23, the petitioner had filed the returns and paid appropriate taxes. There was an inspection of the petitioner place of business on 03.05.2023. During the course of inspection, it was noticed that there was suppression of taxable values of supplies for the period 2022-23.



W.P. No.39981 of 2024

WEB COPY

3. It is submitted by the learned Counsel for the petitioner that an intimation in notice DRC 01 was issued to the petitioner on 07.02.2024. Thereafter, three personal hearings were granted to the petitioner viz., 07.03.2024, 15.03.2024 and 26.03.2024. However, the petitioner neither appeared for personal hearing nor responded to any of the above notices / intimation and the impugned order came to be passed. It is submitted by the learned counsel for the petitioner that neither the show cause notices nor the impugned order of assessment has been served on the petitioner by tender or sending it by RPAD, instead it had been uploaded in the GST Portal, thereby, the petitioner was unaware of the initiated proceedings and was thus unable to participate in the adjudication proceedings. It is also submitted by the learned counsel for the petitioner that the entire taxes were paid at the time of inspection, however, the present order has proceeded to levy interest .

4. It was further submitted by the learned counsel for the petitioner that since the petitioner has already remitted the entire taxes, he may be granted one final opportunity before the adjudicating authority to put



W.P. No.39981 of 2024

WEB COPY

forth their objections to the proposal, to which the learned Government Advocate appearing for the respondent does not have any serious objection.

5. By consent of both parties, the writ petition stands disposed of. The impugned order dated 01.04.2024 is set aside. The petitioner shall treat the impugned order of assessment as show cause notice and submit its objections within a period of four (4) weeks from the date of receipt of a copy of this order along with supporting documents/material. If any such objections are filed, the same shall be considered by the respondent and orders shall be passed in accordance with law after affording the petitioner a reasonable opportunity of hearing. It is made clear that if the objections are not filed within the stipulated period i.e. four (4) weeks from the date of receipt of a copy of this order, the impugned order of assessment shall stand restored.



W.P. No.39981 of 2024

6. Accordingly, the writ petition stands disposed of. No costs.

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Consequently, connected miscellaneous petitions are closed.

06.01.2025

Speaking (or) Non Speaking Order

Index: Yes/No

Neutral Citation: Yes/No

spp

To:

The Deputy State Tax Officer (Intelligence),
Adjudication & Legal Wing,
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W.P. No.39981 of 2024

MOHAMMED SHAFFIQ, J.

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