CGHC010134772026 2026:CGHC:46070

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPT No. 58 of 2026

- Korba Steel Castings Proprietorship Firm Through Its Proprietor Surendra Nath Sharma S/o Murat Narayan Sharma Aged About 67 Years 237 Indu Niwas Kosaabadi Korba District- Korba (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary Department Of Commercial Tax Gst North Block Sector 19 Atal Nagar, Raipur (C.G.)

2 - State Tax Officer State Tax Korba Circle Ii Korba District- Korba (C.G.)

... Respondents

For Petitioner	:	Mr. Vikram Sharma, Advocate
For State	:	Ms. Anuradha Jain, Dy. Government Advocate

(Hon'ble Shri Justice Narendra Kumar Vyas)

Order on Board

30.10.2026

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India assailing the ex-parte assessment order dated 13.12.2023 (Annexure P/1) passed by the State Tax Officer, State Tax, Korba Circle-2 in Case No. 203 STO/SCRUT./2017-18 by which the State Tax Officer, State Tax has assessed the tax liability of the petitioner to the tune of Rs. 8,17,771.69/- after adding the interest and penalty. The petitioner has also challenged the notice dated 24.03.2026

(Annexure P/2) whereby he has been directed to pay the assessed tax amount.

2. The brief facts as reflected from the record are that the petitioner is challenging the ex-parte impugned order dated 13.12.2023, passed by the State Tax Officer, State Tax, Korba Circle-ll whereby the State Tax Officer has imposed the demand of Rs 8,17,771.69/- without issuing any show cause notice to the petitioner, and without following the mandate of Section 61, Section 73 and Section 169 of the Act of 2017. The record further reflects that the petitioner has also challenged the impugned notice dated 24.03.2026 issued by the respondent Authorities under Section 79(1)(c) of the Act of 2017 to the third party i.e. M/s Maruti Aluminum Foil & Sheets who is the supplier of the petitioner asking him to pay the liability to the tune of Rs 8,17,772/- from the amount payable to the petitioner.

3. Learned counsel for the petitioner would submit that the petitioner came to know about the passing of the impugned order only upon being informed of the same by its supplier, upon whom the respondent authorities had served a notice under Section 71(1)(C) of the Act of 2017. He would further submit that the impugned order has been passed without affording the petitioner an opportunity of hearing, thereby violating the principles of natural justice and fair play and would pray for allowing the instant petition.

4. On the other hand, learned State counsel would submit that the Department has given sufficient opportunity to the petitioner, but the petitioner has failed to give reply. Thus, he cannot complain about violation of principle of natural justice and the order passed by the

department does not warrant interference and would pray for dismissal of the writ petition.

5. I have heard learned counsel for the parties and perused the record.

6. During midst of argument, learned counsel for the petitioner would submit that he is ready and willing to deposit 50% of the assessed tax liability i.e. Rs. 8,17,771.69/- and would submit that the petitioner may be given an opportunity to move an appropriate application for setting aside the ex parte order and thereafter, take recourse available to him under the law.

7. This was objected by learned counsel for the State and would submit that the statutory limitation period provided under the GST Act, 2017 has already been expired, therefore, no such request can be considered, even if the entire tax liability is deposited by the petitioner and would pray for dismissal of the petition.

8. Considering the submission made by learned counsel for the petitioner that he may be given an opportunity for moving an appropriate application for setting aside the ex parte order passed by the authority on the condition that he will deposit tax liability assessed by the State Tax Officer, State Tax vide impugned order dated 13.12.2023, thus, a case for interference by this Court to exercise its power conferred under Article 226 of the Constitution of India to do complete justice between the parties is made out. Accordingly, in view of the proposal given by the petitioner that he is ready to deposit 50% of the tax liability of Rs. 8,17,771.69/- which comes to Rs. 4,08,885.84/-, an opportunity is granted to the petitioner to prefer statutory appeal against the order dated 13.12.2023 (Annexure P/1) before the

appellate authority as per the GST Act, 2017. It is further directed that in the eventuality of filing of the appeal within one month from the date of receipt of copy of the order, the appellate authority shall decide the appeal on its own merit without insisting for delay as this Court has already condoned the delay on condition of depositing of 50% of the tax liability of Rs. 8,17,771.69/- which comes to Rs. 4,08,885.84/- before the authorities as the depositing of amount is condition precedent for hearing the appeal by the department. It is also made clear that the petitioner is at liberty to take all the defense available to him under the law including passing of the ex parte order before the appellate authority who in turn shall decide the same in accordance with law.

9. With aforesaid observation and direction, the writ petition is disposed of.

Sd/-
(Narendra Kumar Vyas)
Judge

Bhumika