APHC010455272026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3543]
(Special Original Jurisdiction)

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 25171/2026

Between:

K Madhusudan Reddy **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. SRINIVASA RAO KUDUPUDI

Counsel for the Respondent(S):

1. GP FOR IRRI AND CAD
2. GP FOR COMMERCIAL TAX

The Court made the following order:
(Per Hon'ble Sri Justice T.C.D.Sekhar)

The petitioner is a registered tax payer under GST Act filed the present writ petition questioning the assessment order in Form GST DRC-07, dated 13.12.2025, on the ground that no personal hearing was offered as required under Section 75(4) of the Act, apart from raising various other grounds.

2. It is a case of the petitioner that, he is engaged in execution of works contract to the various departments of the State Government. In relation to the period 2018-19, he executed earth excavation work and accordingly discharged the tax liability at the rate of 5%. It is the specific case of the petitioner that the contractee department has uploaded the TDS particulars in GSTR-7 in the year 2024-2025 for the works executed during the period 2018-19. It is further case of the petitioner that he has paid the tax liability at the rate of 5% even before passing of the assessment order.

3. The 4th respondent after scrutiny of the return filed by the petitioner issued notice in Form DRC-01, dated 25.09.2025, and thereafter proceeded with the assessment and passed impugned assessment order dated 13.12.2025. Questioning the said assessment order, the present writ petition is filed.

4. The counsel for the petitioner would submit that, the impugned order is liable to be set aside on the ground that, no personal hearing was granted to the petitioner before passing the said order. He would further submit that, though the petitioner had paid GST at the rate of 5%, the 4th respondent levied tax at the rate of 18% on estimation basis, despite the fact that the contractee department paid tax at the rate of 5%. Apart from the same, the counsel for the petitioner also raised various other grounds.

5. On the other hand, the learned Assistant Government Pleader Sri S. A. V. Sai Kumar, would contend that the order under challenge was passed on 25.09.2025, whereas the writ petition was filed on 13.06.2026, and there was no explanation offered by the petitioner in not approaching this Court in time and there are laches on the part of the petitioner. Insofar as the contention raised by the petitioner that no personal hearing was offered to him before passing the assessment order, the learned Assistant Government Pleader does not dispute the same and submitted that appropriate orders may be passed.

6. We have considered the respective submissions of the counsel. It is evident on perusal of the assessment order that, after issuance of show cause notice the 4th respondent did not issue personal hearing to the petitioner as required under Section 75(4)

of GST Act before passing the impugned assessment order. Non-issuance of opportunity of personal hearing is fatal to the case on hand. Therefore, while passing the impugned assessment order, the 4th respondent violated the principles of natural justice. On this ground alone, the assessment order would have to be set aside.

7. Accordingly, the impugned assessment order dated 13.12.2025 is set aside, and the matter is remanded back to the 4th respondent for fresh consideration. Needless to mention that, the 4th respondent after issuance of notice and affording opportunity of personal hearing to the petitioner, shall pass appropriate orders thereon in accordance with law.

8. In the result, the writ petition is Allowed. No costs. Miscellaneous petitions pending, if any, shall stand closed.

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JUSTICE NINALA JAYASURYA

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JUSTICE T.C.D.SEKHAR

29.10.2026
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THE HON'BLE SRI JUSTICE NINALA JAYASURYA

AND

THE HON'BLE SRI JUSTICE T.C.D. SEKHAR

WP No. 25171/2026

Date 29.10.2026

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