



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 1930 OF 2026 (T-RES)

BETWEEN:

M/S. RAHUNATH MARKETING,
DODDAKALLASAMDRA,
OPP: SYNDICATE BANK,
KANAKAPURA MAIN ROAD,
BENGALURU - 560 062.
GSTIN: 29BCSPC1491E3ZF

...PETITIONER

(BY SRI. E.I. SANMATHI, ADVOCATE)

AND:

1. COMMERCIAL TAX OFFICER
(AUDIT)3.4, DGSTO-3,
SHANTHINAGAR, 2ND FLOOR,
K.H.ROAD, BMTc BUILDING,
BANGALORE - 560 027.
2. COMMISSIONER OF COMMERCIAL TAX,
COMMERCIAL TAX BUILDING,
GANDHINAGAR,
BANGALORE - 560 009.

...RESPONDENTS

(BY SMT. JYOTHI M. MARADI, HCGP)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
UNDER SECTION 73(9) OF KGST ACT, 2017 READ WITH



SECTION 50 AND 73(9) OF KGST ACT, 2017 AND CGST ACT, 2017 DATED 28/06/2024 PASSED BY THE ASSISTANT COMMISSIONER OF COMMERCIAL TAXES, (AUDIT)-3.4, DGSTO-3, BANGALORE - FIRST RESPONDNET BEARING NO.ADJU-95/ACCT(A)-3.4/T..../2023-24 CASE ID NO.JCCT(A)/DGSTO-3/A-73/3039/2023-24 FOR FINANCIAL YEAR APRIL 2019 TO MARCH 2020 IS PRODUCED HEREIN AS ANNEXURE-A AND ORDER UNDER SECTION 73 PASSED BY COMMERCIAL TAX OFFICER DGSTO-03, BANGALORE BEARING REF.NO.ZD2906241361189 DATED 28/06/2024 IS PRODUCED HEREWITH AS ANNEXURE NO.B AND ETC.,

THIS PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The petitioner has called in question the correctness of the order of adjudication under Section 73(9) of the Karnataka Goods and Services Tax Act, 2017. Copy of which is enclosed at Annexure-A. It is the case of the petitioner that the order passed is without any reply by the petitioner and has culminated in an order which could be stated to be an ex-parte order.



2. It is submitted that the absence of response to the notices was in light of lapse of the auditor who was not available at the relevant point of time. On merits, it is submitted that the returns were filed contrary to the sales registers and accordingly, the only way out for the petitioner was to have explained the defects in the returns, during the process of adjudication. The mistake is sought to be demonstrated to be a mistake in filing the returns with reference to details of the sales register as per the comparative table at page No.26 to the writ petition.

3. Learned High Court Government Pleader appearing for the revenue would contend that the order passed though may be termed to be an ex-parte order, is solely due to the lapse of the petitioner and there is no fault of the adjudicating authority.

4. Taking note of the lapse stated to have occurred with reference to the table at page No.26, it



would be appropriate to afford the petitioner an opportunity to take part in the adjudication proceedings. No doubt, learned HCGP would contend that notice is served. But, however keeping in mind, the consequences that would visit the petitioner in light of the order passed and the prima-facie nature of error stated to have occurred, it would meet the ends of justice in affording the petitioner an opportunity to take part in the proceedings and take stand on merits.

5. Accordingly, the order at Annexure-A is set aside. Matter is remitted to the stage of reply to GST DRC-1A dated 11.01.2024. Petitioner to be present on 16.02.2026. Needless to state, if the petitioner does not avail of the remedy, the indulgence extended by this Court would stand revoked.

6. In light of the order now being set aside, being related to the year 2024, petitioner to pay cost of Rs.10,000/- to the High Court Legal Services Committee.



7. Accordingly, petition is ***allowed***. All contentions on merits are kept open. Any observation made herein is not to be construed to be an expression on the merits of the contentions and are solely made for the purpose of disposal of the present petition. Office objections to be complied with forthwith.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR