



WEB COPY



W.P.No.28861 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.28861 of 2025
& WMP.Nos.32376 & 32377 of 2025

M/S Balaji Traders
Represented by its sole proprietor
Mrs. Sathya,
No. 37A, Durugam Road,
Mahalakshmi Nagar, Kallakurichi,
Tamil Nadu 606 202

... Petitioner

Vs.

1. The Commercial Tax officer
Kallakurichi, cuddalore tamil nadu

2. The State Tax Officer
Office of the Assistant Commissioner (ST),
Kallakurichi, Cuddalore, Tamil Nadu

3. The Deputy Commissioner
Office of the Deputy Commissioner (ST),
No. 103/5, Nepal street,
Kallakurichi, TamilNadu

4. The Principal Commissioner of CGST and Central Excise
GST Bhawan, 26/1, Mahatma Gandhi Road,
Nungambakkam, Chennai

... Respondents



W.P.No.28861 of 2025

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the assessment order dated 12.08.2024 vide Order No. 33FZKPS2391 E1 Z4/2019-20 bearing reference number ZD3308240939367P passed by the 2nd Respondent and quash the same as arbitrary and illegal and consequently direct the 3rd Respondent to remove the notice of recovery under Section 79 TN GST Act, 2017 / CGST Act, 2017 dated 25.06.2025 and remand back the matter to the 1st Respondent for reassessment

For Petitioner : Ms.R.Reka

For Respondent : Ms.Amirta Poonkodi Dinakaran, GA
for R1 to R3
Mr.Rajendran Raghavan, SPC for R4

ORDER

This writ petition has been filed challenging the impugned order dated 12.08.2024 passed by the respondent.

2. Ms.Amirta Poonkodi Dinakaran, learned Government Advocate, takes notice on behalf of the respondents 1 to 3 and Mr.Rajendran Raghavan, learned Senior Panel Counsel, takes notice on behalf of the 4th

2/9



W.P.No.28861 of 2025

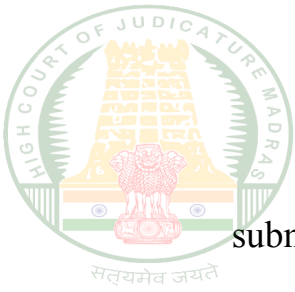
respondent. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

3. The learned counsel for the petitioner would submit that in this case, all notices/communications were uploaded by the respondent under the “View Additional Notice and Orders” column in the GST common portal. Since the petitioner was not aware of the said notices, they failed to file their reply within the time. Under these circumstances, the impugned order came to be passed by the respondent without providing any opportunity of personal hearing to the petitioner. Therefore, this petition has been filed.

4. Further, he would submit that the petitioner is willing to pay 25% of the disputed tax amount, to the respondent. Hence, he requests this Court to grant an opportunity to the petitioner to present their case before the respondent by setting aside the impugned order.

5. On the other hand, the learned Government Advocate and the learned Senior Panel Counsel appearing for the respondents would

3/9



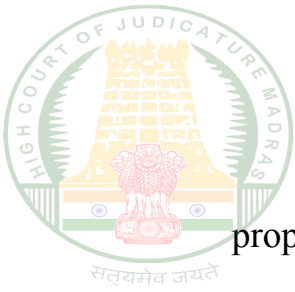
W.P.No.28861 of 2025

submit that the respondent had uploaded the notices in the GST Online Portal. But the petitioner failed to avail the said opportunity. Further, they have fairly admitted that no opportunity of personal hearing was provided to the petitioner prior to the passing of impugned order. Therefore, they requested this Court to remit the matter back to the respondent, subject to the payment of 25% of the disputed tax amount as agreed by the petitioner.

6. Heard the learned counsel for the petitioner and and the learned Government Advocate and the learned Senior Panel Counsel for the respondents and also perused the materials available on record.

7. In the case on hand, it is evident that the show cause notice was uploaded on the GST Portal Tab. According to the petitioner, he was not aware of the issuance of the said show cause notice issued through the GST Portal and the original of the said show cause notice was not furnished to them. 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

4/9



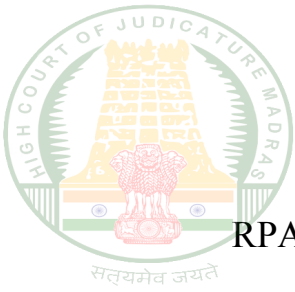
W.P.No.28861 of 2025

proposals contained in the show cause notice.

WEB COPY

8. 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 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.

9. 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



W.P.No.28861 of 2025

RPAD, which would ultimately achieve the object of the GST Act.

Therefore, this Court finds that there is a lack of opportunities being provided to serve the notices/orders etc., effectively to the petitioner.

10. Further, it was submitted by the learned counsel for the petitioner that the petitioner is willing to pay 25% of the disputed tax amount to the respondent. In such view of the matter, this Court is inclined to set aside the impugned order dated 12.08.2024 passed by the respondent. Accordingly, this Court passes the following order:-

(i) The impugned order dated 12.08.2024 is set aside and the matter is remanded to the respondent for fresh consideration on condition that the petitioner shall pay 25% of the disputed tax amount to the respondent within a period of four weeks from the date of receipt of a copy of this order. The setting aside of the impugned order will take effect from the date of payment of the said amount.

(ii) The petitioner shall file their reply/objection along with the required documents, if any, within a period of three weeks from the date of payment of amount as stated above.



WEB COPY



W.P.No.28861 of 2025

(iii) On filing of such reply/objection by the petitioner, the respondent shall consider the same and issue a 14 days clear notice, by fixing the date of personal hearing, to the petitioner and thereafter, pass appropriate orders on merits and in accordance with law, after hearing the petitioner, as expeditiously as possible.

11. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

05.08.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
nsa

To

1. The Commercial Tax officer
Kallakurichi, cuddalore tamil nadu

2. The State Tax Officer
Office of the Assistant Commissioner (ST),
Kallakurichi, Cuddalore, Tamil Nadu

3. The Deputy Commissioner

7/9

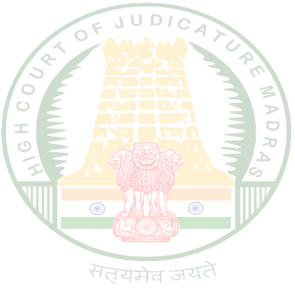


W.P.No.28861 of 2025

Office of the Deputy Commissioner (ST),
No. 103/5, Nepal street,
Kallakusrichi, TamilNadu

WEB COPY

4. The Principal Commissioner of CGST and Central Excise
GST Bhawan, 26/1, Mahatma Gandhi Road,
Nungambakkam, Chennai



WEB COPY



W.P.No.28861 of 2025

KRISHNAN RAMASAMY.J.,

nsa

W.P.No.28861 of 2025
& WMP.Nos.32376 & 32377 of 2025

05.08.2025