

W.P.No.21017 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

W.P.No.21017 of 2024

AND

W.M.P.No.22971 of 2024

M/s.Greater Chennai Fine Stamping Private Ltd.,
represented by its authorized representative,
Karthick Rajasekaran,
Having their registered office at,
C-33, SIPCOT INDUSTRIAL PARK,
Irrungattukottai, Sriperumbudur Taluk,
Kancheepuram,
Tamil Nadu – 602 105.

.. Petitioner

Vs

1.The Deputy State Tax Officer – 1,
Sriperumbudur Assessment Circle,
Station 4/109.
Bangalore – Chennai Highway,
Varadarajapuram, Nazarathpet,
Chennai – 600 123.

2.The Deputy State Tax Officer – 2,
Sriperumbudur Assessment Circle,
Station 4/109.
Bangalore – Chennai Highway,
Varadarajapuram, Nazarathpet,
Chennai – 600 123.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records with respect to the order passed by the 1st respondent in Order No.GSTIN/33AAECG4544J1ZN/2017-2018 dated 17.04.2023 and quash the same and consequently direct the 2nd respondent to drop the proceedings initiated in order No.GSTIN/33AAECG4544J1ZN/2017-2018 dated 19.10.2023.

For Petitioner : Mr.Adithiyan. V
For Respondents : Mr.V.Prashanth Kiran,
Government Advocate (Tax)

ORDER

Challenging the order dated 17.04.2023 passed by the 1st respondent in Order No.GSTIN/33AAECG4544J1ZN/2017-2018 and for a direction to the 2nd respondent to drop the proceedings initiated in order No.GSTIN/33AAECG4544J1ZN/2017-2018 dated 19.10.2023, this writ petition has been filed.

2. It is the case of the petitioner that the 1st respondent had issued a notice in Form DRC 01A on 20.04.2022 under Section 73(5) of the CGST Rules, indicating a liability for the period 01.07.2017 to 31.03.2018, followed by another notice dated 13.07.2022 repeating the earlier demand and on 17.04.2023, a demand order in Form DRC 07 was generated on the GST web portal citing belated payment and levy of interest @ 18% under Section 50(1) of

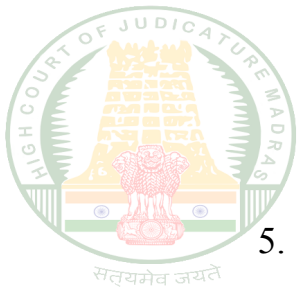


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the GST Act. Further, on 04.08.2023, a notice under Form ASMT-10 under Rule 99(1) of the CGST Rules was issued. While so, another proceedings was initiated by the 2nd respondent on 05.09.2023 under Form DRC 01 reiterating the delay in filing returns and confirming the interest levied.

3. It is the specific contention of the learned counsel for the petitioner that none of the notices was received by the petitioner either through email, registered or speed post. Based on the above proceedings, the 2nd respondent, raised a demand order in Form DRC 07 on 19.10.2023 which resulted in another demand order dated 20.12.2023. Challenging these multiple proceedings of the respondents, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner contended that three demand orders have been issued by the respondents for the same subject matter and the action of the 1st respondent in not providing reasonable opportunity to the petitioner is in contravention to the CBIC guidelines *vide* Instruction No.01/2022-GST dated 07.01.2022, wherein, the Department has clearly instructed the officers to provide an opportunity to the person concerned for short payment or non-payment of self-assessed tax liability and hence, sought to set aside the orders passed by the respondents.



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5. The learned Government Advocate appearing for the respondents submitted that the petitioner had not replied to any of the notices issued by the respondents, within a stipulated time and considering the said fact, this Court may pass suitable orders.

6. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials placed before this Court.

7. Considering the fact that the petitioner was not provided a reasonable opportunity, which is a clear violation of principles of natural justice, this Court is inclined to set aside the orders passed by the respondents dated 17.04.2023 and 19.10.2023 and accordingly, the same are set aside on condition that the petitioner shall deposit 10% of the disputed tax demand, within a period of four (4) weeks from the date of receipt of a copy of this order and thereafter, file a reply within a period of two (2) weeks. After receipt of the reply, the respondents shall fix a date for personal hearing by sending a physical notice to the petitioner and thereafter, pass orders on merits and in accordance with law.



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With the above directions, this writ petition is disposed of. No costs.

WEB CONNECTED W.M.P. is closed.

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Index : Yes/No

Neutral Citation : Yes/No

To

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KRISHNAN RAMASAMY, J.

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