IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.36056 of 2024 and
W.M.P.Nos.38952 and 38954 of 2024

Damro Furniture Private Limited
Rep. by its Branch Accountant
Mr.D.Vaithiyalingam
No.A1 101 4th Avenue,
Next to Sri Mittai, Shanthi Colony,
Anna Nagar, Chennai 600 040. ... Petitioner

Vs.

The State Tax Officer,
Pallavaram Assessment Circle,
Integrated Building for Commercial
Taxes and Registration Department,
Nandanam, Chennai 600 035. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the impugned order vide FORM GST DRC-07 bearing Reference Number ZD330724214751L dated 18.07.2024 passed by the State Tax Officer, the respondent herein to quash the same.

For Petitioner : Mr.G.Shiva Kumar

For Respondent : Mr.C.Harsha Raj,
Additional Government Pleader.

ORDER

The present writ petition is filed challenging the impugned order dated 18.07.2024 on the premise that the same supplies are subject to assessment more than once.

2. It is submitted by the learned counsel for the petitioner that there were two assessment proceedings which were undertaken simultaneously for the very same period viz., 2019-20. The first proceeding commenced with the issuance of a notice dated 30.05.2023 in DRC-01A, followed by a Show Cause Notice in Form DRC-01 dated 18.07.2024 and culminated in an order dated 21.08.2024 wherein the proposal to reverse the Input Tax Credit was dropped. The second impugned proceeding commenced with the issuance of a notice dated 29.08.2023, followed by a Show Cause Notice in DRC-01A dated 17.05.2024 and culminated in confirming the proposal to reverse the Input Tax Credit to the extent of Rs.13,28,002/- though it was originally proposed to reverse the Input Tax Credit to the extent of Rs.54,06,825/-.

3. It is the case of the petitioner that the amount of Rs. 13,28,002/- in the impugned order, whereby Input Tax Credit was rejected, pertains to the very

same supplies / claim that were the subject of the earlier proceedings in which the entire proposal for the reversal of Input Tax Credit to the extent of Rs. 13,28,002/- was dropped.

4. The learned counsel for the respondent would submit that though there seem to be some element of overlap, it needs to be verified whether the supplies covered by the impugned order dated 18.07.2024 and the order dropping the proposal dated 21.08.2024 are in respect of the very same / identical taxable supplies on which Input Tax Credit has been claimed. In view thereof, the impugned order is set-aside with liberty to the respondent authority to issue a fresh notice to examine whether the subject supplies in the order dated 21.08.2023 and the impugned order dated 18.07.2024 are one and the same and then proceed if warranted in accordance with law.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

02.12.2024

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
shk

MOHAMMED SHAFFIQ, J.

shk

To:
The State Tax Officer,
Pallavaram Assessment Circle,
Integrated Building for Commercial
Taxes and Registration Department,
Nandanam, Chennai 600 035.

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