IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 19494 OF 2026 (T-RES)

BETWEEN:

M/S VAYUPUTRA ELECTRICALS
A PROPRIETORSHIP HAVING
ITS OFFICE AT 03, ANJANAPPA COMPLEX,
03, OPPOSITE TO GOVT. COLLEGE
NH 206, KADUR, CHIKKAMAGALURU,
CHIKKAMAGALURU- 577548
(REPRESENTED BY ITS PROPRIETOR
SRI. SURAPURA PARAMESHWARAPPA
VENKATMURTHY).

...PETITIONER

(BY Ms. MONISHA SEN., ADVOCATE)

AND:

ASSISTANT COMMISSIONER OF
COMMERCIAL TAXES (AUDIT-1),
VANIJYA TERIGE BHAVANA,
12TH CROSS, A BLOCK,
GOPALAGOWDA EXTENSION,
SHIVAMOGGA,
KARNATAKA- 577205.

...RESPONDENT

(BY SRI.K. HEMA KUMAR., AGA)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH/SET ASIDE THE ORDER PASSED BY THE RESPONDENT AUTHORITY UNDER SECTION 73(9) OF KGST/CGST ACT 2017 FOR THE TAX PERIOD 2019-2020, DATED 09.08.2024, BEARING REFERENCE NO. ACCT(AUDIT-1)-SMG-T- 2024-25, PRODUCED AS ANNEXURE-B. AND II. QUASH/SET ASIDE THE SCN ISSUED BY THE RESPONDENT AUTHORITY UNDER SECTION 73 OF THE KGST/CGST ACT 2017 DATED 20.04.2024, PRODUCED AS ANNEXURE-A. AND; III. QUASH/SET ASIDE THE NOTICE ISSUED IN FORM GST DRC-13 INITIATING COERCIVE RECOVERY STEPS AGAINST THE PETITIONER BY INVOKING SECTION 79(1)(C) OF THE KGST/CGST ACT 2017, PRODUCED AS ANNEXURE-C.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner's grievance is with the Adjudication Order dated 09.08.2024 [*Annexure-B*] under Section 73 (9) of Karnataka Goods and Services Tax Act, 2017 and Central Goods and Services Tax Act, 2017 [for short, *the KGST/CGST Act*']. The petitioner has also called in question the Demand in Form GST DRC - 13, *[Annexure-*

C.] The Adjudication Order reads that the petitioner is served with a show cause notice by RPAD on 20.04.2024 but the petitioner has not filed any reply. The show cause notice is preceded by intimation in Form GST DRC - 01A dated 14.03.2024. The petitioner is denied the Input Tax Credit based on the audit observation on verification of GSTR-7 and GSTR-3B.

2. Ms. Monisha Sen, the learned counsel for the petitioner, argues for this Court's interference contending that it was incumbent upon the Adjudicating Officer to extend an opportunity of hearing as contemplated under Section 75(4) of the KGST/CGST Act, but the petitioner is not extended such opportunity. The learned counsel submits that if the opportunity of personal hearing is extended, the petitioner can demonstrate that the declarations in Form [Form GSTR-3B] are based on genuine invoices and transactions. The learned counsel also proposes to argue for this Court's interference on the ground that the Adjudication Order is a mirror image of the show cause notice.

3. However, this Court must at the very outset observe that this Court is not persuaded to interfere on these two grounds. The petitioner has not filed a response despite being served with the show cause notice under RPAD and through email ID/dealer login ID. The petitioner has also had access to the show cause notice on the portal. The Officer has reiterated the contents of the show cause notice only because the petitioner has not filed a response. This Court is inclined to observe that if there is no response to the intimation or the show cause notice despite these circumstances, the Courts cannot take exception with the reiteration of the contents of such notice in the impugned Adjudication Order.

4. Sri K. Hema Kumar, the learned Additional Government Advocate who accepts notice for the respondent, is heard on whether this Court must interfere on the ground that the petitioner is not extended with a personal hearing and whether this Court must extend such personal hearing in the light of the petitioner's specific case that the petitioner can justify all transactions by producing documents even at this stage.

This Court must observe that an opportunity of personal hearing cannot be made contingent upon the assessee making a request in view of Section 75 (4) of KGST/CGST Act, especially when an adverse order is contemplated against the noticee. The petitioner asserts that it can produce documents to justify the genuineness of the transactions. This Court must also observe that in similar circumstances this Court has interfered in extending an opportunity without relegating the concerned to avail the appellate remedy. However, the petitioner must be put on just terms. In the light of the afore, the following:

ORDER

[A] The petition is allowed-in-part quashing the Adjudication Order dated 09.08.2024 [*Annexure-B*] and the Notice in Form GST DRC-13 [*Annexure-C*] with liberty to the petitioner to file response to the show cause notice along with an opportunity to file documents observing that the Adjudicating Officer shall extend personal hearing as part of the opportunity provided.

[B] The petitioner shall file a response with documents by ***24.08.2026*** and the petitioner shall also deposit 10% of the tax in demand by such date subject to the final orders in the assessment proceedings.

Sd/-
(B M SHYAM PRASAD)
JUDGE

SA
Ct:sr