NC: 2026:KHC:11679
WP No. 3739 of 2026

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 3739 OF 2026 (T-RES)

BETWEEN:

1. M/S HARDCORE SECURITYS
   NO.301, 3RD FLOOR,
   NO.20, 5TH CROSS,
   OUTER RING ROAD, PAPAREDDY PALYA,
   BENGALURU-560 072
   REPRESENTED BY ITS PROPRIETOR
   SOLE PROPRIETORSHIP CONCERNED
   SRI YELAGALAVADI VENKATESH
   CHANDRAMOULESHA
   S/O. VENKATESH,
   R/O. NO. 406, 16TH CROSS,
   NEAR AMMA ASHRAMA ARCH,
   NAGADEANAHALLLY,
   ULLALU UPANAGARA,
   BENGALURU - 560 056

... PETITIONER

(BY SRI. GOWRISHANKAR PRASAD H R., ADVOCATE)

AND:

1. THE COMMISSIONER OF COMMERCIAL TAXES,
   VANIJYA TERIGE KARYALAYA,
   GANDHINAGAR,
   BENGALURU - 560 009

2. THE COMMERCIAL TAX OFFICER
AUDIT-2.4 DGSTO-02,
1ST FLOOR, PIONEER PLAZA,
KENCHENAHALLI MAIN ROAD,
OPP. GOPALAN ARCH MALL,
OFF MYSURU ROAD,
BENGALURU-560 098.

3. THE JOINT COMMISSIONER OF COMMERCIAL TAXES
(APPEALS)-02,
ABOVE BMTC BUS STAND,
SHANTINAGARA,
BENGALURU

… RESPONDENTS

(BY SRI. HEMAKUMAR, AGA)

***

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO (A) QUASHING THE IMPUGNED ADJUDICATION ORDER BEARING NO. 50/2023-24, CONSEQUENTIAL COMPUTER GENERATED ORDER UNDER SEC. 73 AND SUMMARY ORDER IN FORM GST DRC-07, BEARING REFERENCE NO. ZD2903240846922 ALL DATED 30-03-2024 (ANNEXURES-B, C AND D) PASSED BY THE COMMERCIAL TAX OFFICER AUDIT-2.4, BENGALURU, THE 2ND RESPONDENT FOR THE FINANCIAL YEAR 2018-19 AND ETC.

THIS PETITION COMING ON FOR FRESH MATTERS LIST THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

Petitioner has called in question the validity of the order of adjudication at Annexure-B and the summary orders at Annexures-C and D.

2. It is the submission of the learned counsel for the petitioner that though the petitioner had participated in the proceedings, due to incomplete presentation of the petitioner's case before the authority, the authority has concluded the proceedings raising the demand. It is submitted that if the petitioner is given an opportunity to appear before the Authority, the petitioner would make out their case that the services which have been adjudicated as being taxable, are in fact exempt.

3. Reliance is placed on the notification No.12/2017 - Central Tax (Rate) dated 28.06.2017 and in specific to Entry-66, "Heading 9992". It is further submitted that the Authority has recovered taxes amounting to Rs.38,05,355/- and there has been further

recovery as well. Petitioner further submits that the mismatch between GSTR-1 and GSTR-3B would be reconciled, if an opportunity is provided

4. Sri. Hemakumar, learned Additional Government Advocate submits that the amount of recovery is a matter of record and to be verified.

5. Taking note of the assertions of the petitioner regarding exemption claimed by relying on notification dated 28.06.2017 and noticing that the Authority has passed an order which according to the petitioner would not have been passed if the petitioner had placed materials such as invoices at the appropriate point of time, and taking note that there has been substantial recovery of tax, it would be appropriate to enable the petitioner to take a stand on merits as noticed from the assertions referred to above.

6. Accordingly, the order of adjudication at Annexure-B and the summary orders at Annexures-C and

D are set aside. The matter is remitted for fresh consideration before respondent No. 2.

7. Petitioner to appear before respondent No. 2 without fresh notice on 24.03.2026.

8. Needless to state, if the petitioner were to be absent or not take the benefit of participation in the proceedings on the date fixed, the indulgence granted by the Court would stand revoked. The amount of tax recovered would be subject to adjudication which is directed to be redone. All contentions are kept open.

9. Accordingly, the petition is ***disposed of***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

VP