HC-KAR

NC: 2026:KHC:11637
WP No. 39091 of 2025

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. 39091 OF 2025 (T-RES)

BETWEEN:

M/S. LOKESH WORKS CONTRACTOR,
NO.01, HUTHAGERE VILLAGE AND POST,
MADDUR - 571 428,
REPRESENTED BY ITS PROPRIETOR,
SHRI HOOTHAGERE ERANNA LOKESH,
AGED 42 YEARS.

...PETITIONER

(BY SMT. BHARGAVI S.V., ADVOCATE)

AND:

1. THE COMMISSIONER OF COMMERCIAL TAXES,
VANIJYA THERIGE BHAVAN,
GANDHINAGAR,
BENGALURU - 560 009.

2. THE ASSISTANT COMMISSIONER OF LOCAL
GOODS AND SERVICE TAX,
LGSTO - 210, CHIKKAMANDYA KERE,
COMMERCIAL TAX OFFICES,
VIVEKANANDA NAGARA,
NAGAMANGALA ROAD, MANDYA,
KARNATAKA - 571 402.

...RESPONDENTS

(BY SRI. K. HEMA KUMAR, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ADJUDICATION ORDER FOR THE PERIOD 2020-21 VIDE ORDER

DATED 04.02.2025 VIDE NO.ACCT/LGST-210/MDY/T.NO./ 2024-25 AND THE DRC-07 BEARING REF NO.ZD290225021527G PASSED BY 2ND RESPONDENT AT ANNEXURE- C AND C1 AND ETC.

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

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

ORAL ORDER

The petitioner has challenged the order of adjudication at Annexures-C and C1 for the year 2020-21 as well as the order of adjudication for the year 2021-2022 at Annexure-D. The petitioner has also sought for restraint as regards the recovery proceedings are concerned.

2. It is the contention of the petitioner that the orders of adjudication are passed without benefit of any stand of the respondent on merits. It is further submitted that non-reply to the show-cause notice is due to *bona-fide* reasons and this Court may set aside the order and remit the matter back for reconsideration while affording

an opportunity to the petitioner to take their stand on merits.

3. Perused the order at Annexure-C. Admittedly, the order of adjudication is an ex-parte order insofar as the authority has proceeded to decide the matter on the basis of materials available with the authority, as the petitioner had not made out any reply to the show-cause notice. The order, however, narrates that there has been communication by way of email to the email ID mentioned through the GST portal. It is noticed that the ground on which proceedings were initiated is on the premise of violation of Section 9, Section 12, Section 15, Section 37, Section 39 and Section 49 of the Central Goods and Services Tax Act/ State Goods and Services Tax Act, 2017.

4. Learned counsel for the petitioner submits that if an opportunity is given, petitioner would be able to demonstrate and meet the grounds as made out in the show-cause notice.

5. Perused the order at Annexure-D. Even as regards the order at Annexure-D, identical grounds as referred to at Annexure-C constitute the grounds for proceedings having culminated in an order of adjudication. Petitioner would reiterate that they have material to demonstrate and meet each of the grounds as raised.

6. Though the orders indicate that there has been communication of the notice through the GST portal, however, taking note of the consequences that would visit the petitioner if the orders are allowed to stand and in light of the stand of the petitioner that they are in a position to meet the grounds made out in the show-cause notice, as referred to in the order of adjudication would meet ends of justice by setting aside the orders Annexures-C, C1 and D. Matter is remitted to the stage of reply to the show-cause notice with respect to both the financial years of 2020-21 and 2021-22.

7. The petitioner to make out reply to the show-cause notice. Petitioner to be present before the 2nd respondent without fresh notice on 23.03.2026.

8. It is made clear, if the petitioner remains absent on the date fixed the indulgence granted by this Court would stand revoked. Petitioner to pay 10% of the tax demand for each of the years referred to above. All contentions are kept.

9. In light of the order of adjudication being set aside, the recovery proceedings automatically stand set aside and the attachment as evidenced at Annexure-E is required to be rescinded by the authorities by way of appropriate communication immediately on receipt of certified copy of the order.

Accordingly petition is ***disposed of***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR