



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S.G.PANDIT

WRIT PETITION NO. 35993 OF 2024 (T-RES)

BETWEEN:

GOPI CHAND
PROP. KUNAL CONSTRUCTIONS
H.NO.635, VPO-BADAMI
BADAMI, BAGALKOTE-587201.

...PETITIONER

(BY SRI. SANYAM KSHETRAPAL, ADV. FOR
SRI NARENDRA A., ADV.)

AND:

DEPUTY COMMISSIONER OF COMMERCIAL TAXES
(AUDIT)-1.5, DGSTO-1, 5TH FLOOR,
TTMC, BMTC BUILDING,
YESHWANTHAPUR,
BENGALURU - 560022
PHONE NO. 080-23570170
EMAIL. ID. DCCT-AUDIT1.5@KA.GOV.IN

...RESPONDENT

(BY SRI.SHIVAPRABHU HIREMATH, AGA)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER IN ORIGINAL DATED 29.07.2024 IN ORDER NO. DCCT(A)-1.5/GST(ADJ)- 221/2024-25 PASSED U/S 73(9) OF THE CGST/IGST/SGST ACTS AND RULES BY THE RESPONDENT (ANNEXURE C) FINANCIAL YEARS 2019-20, 2020-21, 2021-22, 2022-23, 2023-24 AND APRIL 2024 TO MAY 2024 AS INVALID AND PASSED WITHOUT AUTHORITY OF LAW, IN THE PETITIONERS CASE AND ETC.





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

CORAM: HON'BLE MR JUSTICE S.G.PANDIT

ORAL ORDER

Learned Additional Government Advocate

Sri.Shivaprabhu Hiremath accepts notice for respondents.

2. Heard learned counsel Sri.Sanyam Kshetrapal for Sri.Narendra A, learned counsel for the petitioner through video conference and learned Additional Government Advocate for respondents. Perused the writ petition papers.

3. Though the matter is listed for orders, with the consent of the learned counsel for the parties, the matter is taken up for final disposal.

4. Learned counsel for the petitioner would submit that the petitioners are before this Court, questioning the order at Annexure-C dated 29.07.2024, passed under Section 73 of Karnataka Goods and Services Tax Act, 2017 (for short "2017 Act") clubbing the financial years from 2019-20 to



2023-24. Learned counsel would submit that respondents cannot issue a common show-cause notice clubbing more than one financial year and pass common order. He submits that in the instant case, show-cause notice as well as order passed under Section 73 of 2017 Act is in respect of financial years 2019-20 to 2023-24. Learned counsel also submits that in identical circumstances, a co-ordinate bench of this Court in W.P.No.15810/2024 disposed of on 04.09.2024 has held that Section 73 of CGST Act mandates a specific time limit from the due date for furnishing the annual return for the financial year to which, tax due relates. The law stipulates that particular action must be completed within a designated year, and such actions should be executed in accordance with provisions. Hence, he prays for allowing the present writ petition.

5. Per contra, learned AGA Sri.Shivaprabhu Hiremath is not in a position to dispute the legal position.



6. Having heard the learned counsel for the parties and on perusal of the writ petition papers, the only point which falls for consideration is as to whether the impugned order requires interference at the hands of this Court?

7. Answer to the above point would be in the affirmative for following reasons:

Admittedly, Annexure-C order passed under Section 73 of 2017 Act is in respect of the financial years 2019-20 to 2023-24. By clubbing more than one financial year, the petitioner was issued with show-cause notice and the order is passed under Section 73 of 2017 Act which is impermissible. In terms of Section 73 of KGST Act, specific action must be completed within the relevant year since the limitation is prescribed. Hence, clubbing multiple assessment years is impermissible. This Court, in an identical fact situation in W.P.No.15810/2024 allowed the writ petition and set aside the impugned show-cause notice, with liberty to the Authorities to issue separate show-cause notices for each assessment year in



compliance of Section 73 of KGST Act and proceed further in the matter.

8. In the light of the above, the following order:

(i) The writ petition is allowed.

(ii) The impugned order dated 29.07.2024 bearing No.DCCT(A)-1-5/GST(Adj)-221/2024-25 (Annexure-C) for the financial years 2019-20 to 2023-24 passed under Section 73 of the KGST Act as well as Annexure-E bearing No.DCCT(A)/5/GST/DRC-13)-221/24-25 dated 04.11.2024 are quashed.

(iii) Liberty is reserved to the respondents-Authorities to issue proper notices for each financial year in terms of Section 73 of the KGST Act and proceed further, in accordance with law.

**SD/-
(S.G.PANDIT)
JUDGE**