

HC: Order Reiterating SCN Allegations Without Analysis Held Invalid

CA Prakash Chandra Jain

P.O. Brajrajnagar
Odisha- 768216
Cell: 94375-41690 / 70087-12242
Email: prakashchjain@yahoo.co.in



REFER THE DECISION OF THE HON'BLE BOMBAY HIGH COURT IN THE CASE OF

GlobeOp Financial Services (India) (P.) Ltd. v. Deputy Commissioner of State Tax, Mumbai, [2025] 176 taxmann.com 213 (Bombay)

FACTS:

The assessee, GlobeOp Financial Services (India) (P.) Ltd., was issued a Show Cause Notice (SCN) raising a tax demand.

The adjudicating authority passed the impugned order confirming the demand.

The order did not contain any independent reasoning but merely copied and pasted the allegations from the SCN, presenting them as the reasons for the decision.

The assessee challenged the order before the Bombay High Court on the ground that the order was non-speaking and lacked judicial reasoning.

Hon'ble High Court Judgement:

The Bombay High Court emphasized that a quasi-judicial order must be a reasoned order, reflecting the application of mind to the facts and arguments.

Simply reproducing the SCN allegations cannot substitute for independent reasoning.

Since the order was devoid of reasoning and failed to deal with the assessee's submissions, it was unsustainable in law.

Held: The impugned order was set aside and the matter was remanded for fresh adjudication, directing the authority to pass a proper speaking order.