

## HC: Penalty Set Aside Where No Proper Hearing Given

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

*Kanha Bartan Bhandar v. State of Uttar Pradesh* Citation: (2025) 32 Centax 15

Kanha Bartan Bhandar, a utensils trader, received a **show cause notice (SCN)** from the GST department.

But there was a serious flaw:

The **same date** was fixed both for **filing a reply** and for the **personal hearing**.

This left the assessee with **no meaningful opportunity** to prepare a defence or argue the case.

Despite this, the department went ahead and imposed a **penalty**.

The assessee challenged it before the High Court.

The Court held:

- A hearing is not a **mere formality** — it must be **real and effective**.
- By fixing the **reply date and hearing date together**, the department effectively denied a fair hearing.
- This was against the principles of **natural justice**.

### Conclusion

⚖️ **Result: The penalty order was set aside.**

✨ छोटी दिवाली एवं रूप चतुर्दशी की हार्दिक शुभकामनाएं ✨

आपके जीवन में दीपों की रौशनी की तरह खुशियाँ उजाला करें,  
रूप चतुर्दशी पर आपका सौंदर्य, स्वास्थ्य और सुख सदैव बना रहे।  
मां लक्ष्मी और भगवान धनवंतरी की कृपा आप और आपके परिवार पर सदा बनी रहे।

🍂 🌸 छोटी दिवाली और रूप चतुर्दशी की ढेरों शुभकामनाएं! 🍂 🌸