

## "PRINCIPLES OF NATURAL JUSTICE: PERSONAL HEARING"

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Personal hearings (PH) are a crucial aspect of the adjudication process and cannot be overlooked. An adverse order cannot be issued, nor can an appeal be rejected without granting a PH. We must master this principle to ensure justice is served. Any instance where PH is denied should be challenged.

1. The High Court quashed refund rejection orders due to the lack of a personal hearing as required by Rule 92(3) of the CGST Rules, 2017, thus violating natural justice principles. The show cause notices allowed a 15-day response time, which the petitioner complied with, but the hearing was allegedly held before the reply was submitted. **(Bombay High Court in *Credit Agricole CIB Services Pvt. Ltd. (2024) 10 TMI 1391: 2024: BHC-OC:17927-DB*)**
2. Even if the petitioner does not request a personal hearing, the Authority is still required to provide one before passing an adverse decision, especially in cases involving substantial civil liability. **(Allahabad High Court in *M/s New Regal Electric Works (2024) 7 TMI 236*)**
3. Blocking a supplier's credit ledger by stating "Registration of supplier has been cancelled" without issuing a show cause notice violates the principles of natural justice. **(Telangana High Court in *M/s Bhavani Oxides (2024) 10 TMI 552*)**
4. An order cannot be passed solely on the basis of a representation (or reply) without providing an opportunity to be heard. **(Allahabad High Court in *M/s Devlok Distributors (2024) 3 TMI 969*)**
5. The provisions of Section 75(4) of the GST Act, which mandate the opportunity for a hearing, are mandatory. A violation of natural justice by denying this opportunity renders the order unsustainable, even if the appeal is time-barred. **(Allahabad High Court in *M/s Prasar Bharti Broadcasting Corporation of India (2024) 12 TMI 1353*)**