

HC: Order Passed Without Considering Reply Set Aside; Matter Remanded

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

Charu Overseas Pvt. Ltd. vs. Principal Commissioner of Delhi Goods and Services Tax' Citation: (2025) 31 Centax 12 (Del.)

Facts of the Case:

The petitioner, Charu Overseas Pvt. Ltd., was issued a show cause notice under Section 73 of the CGST Act, alleging wrongful availment of Input Tax Credit (ITC).

In response, the assessee filed a detailed reply contesting the allegations.

However, the impugned adjudication order was passed without proper consideration of the reply submitted.

The petitioner contended that this amounted to a violation of principles of natural justice.

Hon'ble High Court Judgement:

The **Delhi High Court** found that the **lower authority failed to deal with or even refer to the reply filed by the assessee** in the impugned order.

The Court held that **mere issuance of a show cause notice is not enough**, and **effective consideration of the reply is essential** before concluding the matter.

Noting the procedural lapse, the Court **set aside the impugned order**.

It remanded the case for fresh adjudication, directing the authority to grant the petitioner a proper opportunity of hearing and to consider the reply on merits.