

## **HC quashes assessment order passed without disclosing relied upon materials and information to notice**

### **Facts of the case - M.R. Metals v. Deputy Commissioner (ST) - [2022] (Andhra Pradesh)**

The department conducted inspection in the business premises of the petitioner and issued DRC-01A notice by alleging that suppliers were fake and goods were not transported. It was also alleged that the petitioner failed to produce original tax invoices and some owners of vehicles denied hiring of the vehicles to the petitioner for transport of the goods. The petitioner filed writ petition and contended that it submitted letter seeking extension of time but order was passed without providing response.

#### **Decision of the case :**

- The Honorable High Court noted that the authority relied upon material and details like name of fake suppliers, name of toll gate through which goods were not transported and name of vehicle owners claimed as not hired for transportation but these details were not furnished. Since this material formed part of the impugned order, the assessing authority ought to have furnished the said material enabling the petitioner to defend or make representation and it would be violation of principles of natural justice.
- Thus, the Court held that the impugned order was to be set aside and the petitioner was directed to make application seeking such details and assessing authority was directed to pass order after considering objection to be filed by petitioner.