HC-KAR

NC: 2026:KHC:36816
WP No. 21878 of 2026

CNR: KAHC010482632026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 21878 OF 2026 (T-RES)

BETWEEN:

1. BKR SERVICES PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE COMPANIES ACT, HAVING ITS REGISTERED OFFICE AT 2ND FLOOR, HOUSE NO.2,
NO.925/3, SRI KRUPA 2ND STAGE,
D BLOCK, 3RD CROSS RAJAJINAGAR, BANGALORE-560010
REPRESENTED BY ITS HEAD-FINANCE AND MANAGEMENT OPERATIONS
MRS. SUCHITRA.C
D/O.CHIDANANDAPPA
AGED ABOUT 30 YEARS

2. SANTOSHKUMAR RUDRASWAMY KABBINAKANTHIMATHA
S/O LATE SHRI RUDRASWAMY B.K.,
AGED ABOUT 44 YEARS, RESIDING AT NO 838, 4TH FLOOR, 17TH MAIN, 80 FEET ROAD, HSR CLUB,
3RD SECTOR,
BANGALORE SOUTH,
BENGALURU 560102.

3. SMT. PANKAJA
   W/O LATE SHRI RUDRASWAMY B.K.,
   AGED ABOUT 64 YEARS,
   RESIDING AT 2ND MAIN 7TH CROSS, 01,
   SAI KRUPA, VIJAYA NAGAR HARLAPURA
   EXTENSION,
   HARIHAR 577602.

...PETITIONERS

(BY SRI. B. G. CHIDANANDA URS., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   THROUGH THE PRINCIPAL SECRETARY,
   FINANCE DEPARTMENT,
   VIDHANA SOUDHA,
   BENGALURU 560001

2. THE ASSISTANT COMMISSIONER OF
   COMMERCIAL TAXES,
   LGSTO-470
   OFFICE OF THE ASSISTANT COMMISSIONER
   OF COMMERCIAL TAXES,
   LOCAL GOODS AND SERVICE TAX OFFICE-470,
   SRI MURUGHARAJENDRA COMPLEX,
   OPP MARIYA NIVAS SCHOOL,
   P B ROAD,
   HARIHARA - 577601.

3. THE COMMERCIAL TAX OFFICER,
   LGSTO-470
   OFFICE OF THE COMMERCIAL TAX OFFICER,
   LOCAL GOODS AND SERVICE TAX OFFICE-470,

SRI MURUGHARAJENDRA COMPLEX,
OPP MARIYA NIVAS SCHOOL,
P B ROAD,
HARIHARA 577601.

4. UNION OF INDIA
THROUGH THE SECRETARY,
MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE,
NORTH BLOCK,
NEW DELHI 110001.

5. THE MANAGER,
STATE BANK OF INDIA
JAYANAGAR II BLOCK,
100 FEET ROAD,
BENGALURU 560001.

...RESPONDENTS

(BY SRI. K. HEMA KUMAR, AGA 1 TO 4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED RECOVERY NOTICE(S) IN FORM GST DRC-13 BEARING NO. CTO/LGSTO-470/HRR/DRC-13/T.NO. 1532/2026-27 BOTH DATED 04-07-2026 (ANNEXURE-K AND K- 1), ISSUED BY RESPONDENT NO. 3 TO RESPONDENT

NO. 5. QUASH THE IMPUGNED ASSESSMENT ORDERS ORIGINAL ORDER OF THE THIRD RESPONDENT IN NO CTO/LGSTO- 470/HRR/U/S-73 ORDER/2025-26 DATED 22.12.2025 IN ANNEXURE G, AND SUMMARY OF THE ORDER IN FORM GST-DRC-DATED 22.12.2025 IN NO CTO/LGSTO-470/HRR/U/S-73 ORDER/2025-26 DATED 22.12.2025 IN ANNEXURE G-1. SECOND ADJUDICATION ORDER IN NO CTO/LGSTO-470/HRR/U/S-73 ORDER/2025-26 DATED 22.12.2025 AT ANNEXURE H, THE CORRESPONDING SUMMARY OF THE ORDER IN FORM GST-DRC-07 DATED IN 22.12.2025 NO CTO/LGSTO-470/HRR/U/S-73 ORDER/2025-26 AT ANNEXURE H-1, PASSED BY THE RESPONDENT NO. 3.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The first petitioner is a Private Limited Company, and the second and the third petitioners are the son and wife of late Mr. Rudraswamy B K, who died on 25.05.2023. The first petitioner's grievance is with the Recovery Notices issued in Form GST DRC - 13 for recovery of the amount under the Adjudication Orders passed under Section 73 of the Central Goods and Services Tax Act, 2017/Karnataka Goods and Services Tax Act, 2017 [for short, '*the CGST/KGST Act*], and the second and the third petitioners' grievance is with these Adjudication Orders and the Summary of such order in Form GST DRC-07. The details of these Adjudication Orders/ Summary of Orders and the Recovery Notices are as follows.

Date	***Description and the Order No.***	***Annexure***	***Tax Period***
22.12.2025	Adjudication Order in No. CTO/LGSTO-470/HRR-/U/s 73 order/2025-26/3803	***Annexure G***	2021-22
	Summary of this Adjudication Order, and the reference No. ZD2912251728607	***Annexure – G1***	
04.07.2027	Recovery Notice relevant to Annexure – G1	***Annexure – K***	
22.12.2025	Adjudication Order in No. CTO/LGSTO-470/HRR-/U/s 73 order/2025-26/3799	***Annexure H***	2021-22
	Summary of this Adjudication Order, and the reference No. ZD2912251722485	***Annexure – H1***	
04.07.2027	Recovery Notice relevant to Annexure – H1	***Annexure – K1***	

2. Mr. Chidananda Urs B G, the learned counsel for the petitioners, submits that the third respondent could not have issued Recovery Notices in Form GST DRC-13 [*Annexure K and K1*] to attach the first petitioner's bank account because this petitioner is a distinct and a different Entity from M/s. B. K. R.

Swamy Security Agencies [*a proprietary concern of the deceased Mr. Rudraswamy B K*]; and in elaboration, the learned counsel submits the following.

- The first petitioner cannot be fastened with the liability of M/s. B. K. R. Swamy Security Agencies.
- The law does not permit recovery from the first petitioner which is unrelated to the estate of the deceased.
- The proceedings for any GST dues, interest, or penalty could only be against the legal heirs of the concerned Registered Taxable Person [*RTP*].

3. Mr. Chidananda Urs B G invites this Court's attention to the provisions of Section 93 of the CGST/KGST Act as regards the second and third petitioners' grievance with the Adjudication Orders and the Summary thereof. The learned counsel also

submits that this Court may consider that two separate Show Cause Notices are issued for two different issues for the same tax period [*April 2021 to March 2022*], and that it would be open to these two petitioners to demonstrate that they have not continued the business and that there is no estate that can support the demand.

4. Mr. K. Hema Kumar, a learned Additional Government Advocate who accepts notice for the first to fourth respondents, is heard for disposal of the petition. This Court must observe that it remains undisputed that the first petitioner is different and distinct from the proprietary concern constituted by the deceased Mr. Rudraswamy B K, and therefore, the impugned Recovery Notices in Form GST DRC-13 could not have been issued against the first petitioner. Therefore, there must be intervention with these notices on this ground.

5. As regards the second and the third petitioners' grievance, it is brought to this Court's notice that upon the demise of Mr. Rudraswamy B K, his family members have reported his demise *vide* letter dated 28.06.2023, and that when served with Show Cause Notices, they have replied stating that neither the second petitioner nor the third petitioner could be treated as the legal heirs for the purposes of the proceedings under the CGST/KGST Act because the third petitioner is a home maker who is not keeping well and the second petitioner is working in a private sector while also stating that many other legal aspects will have to be examined.

6. It is seen from the impugned Adjudication Orders that whether the proceedings could be sustained because of Section 93(1)(a) or 93(1)(b) of the CGST/KGST Act is not examined and this gives a reason for interference on the ground of failure to

consider material circumstances. On the other contention on behalf of the second and third petitioners that two notices for the same tax period, though on different issues, could not have been issued, this Court must opine that this aspect must be left open to be considered with an opportunity to these petitioners to file a detailed response. In the light of the afore, the following.

ORDER

The petition is allowed on the following terms:

[A] The third respondent's Recovery Notices dated 04.07.2026 [*Annexures - K and K1*] addressed to the fifth respondent in GST DRC-13 are quashed.

[B] The impugned Adjudication Orders dated 22.12.2015 and the Summary thereof [*Annexures - G, G1, H and H1*] are also quashed restoring both the proceedings with liberty to the second and third petitioners to file a reply to the corresponding Show Cause Notices leaving open all grounds to be considered based on such response.

[C] The second and the third petitioners shall, along with a certified copy of this Order, file a response as now permitted with the third respondent by ***14.08.2026***.

Sd/-
(B M SHYAM PRASAD)
JUDGE

RB