HC-KAR
NC: 2026:KHC-K:12850
WP No. 204216 of 2026
CNR: KAHC030110712026

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.204216 OF 2026 (T-RES)

BETWEEN:

MR. RAVIKUMAR NAGAPPA KATTIMANI
S/O NAGAPPA KATTIMANI,
AGED ABOUT 45 YEARS,
RESIDING AT: KATTISANGAVI VILLAGE,
JEVARGI TALUK,
KATTISANGAVI POST OFFICE,
KALABURAGI 585 310.

...PETITIONER

(BY SRI LINGARAJ MALLANNA, ADVOCATE)

AND:

Digitally signed by SWETA KULKARNI
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA,
   R/BY ITS CHIEF SECRETARY,
   DEPARTMENT OF FINANCE,
   II FLOOR, VIDHANA SOUDHA,
   BENGALURU-560 001.

2. THE COMMISSIONER OF COMMERCIAL TAX,
   GOVERNMENT OF KARNATAKA,
   VANIJYA TERIGE KARYALAYA,
   1ST MAIN ROAD, GANDHINAGAR,
   BENGALURU-560 009.

3. THE JOINT COMMISSIONER OF COMMERCIAL TAX,
   (ADMIN) KALABURAGI.
   HAVING ITS OFFICE AT GROUND FLOOR,

COMMERCIAL TAX BUILDING,
STATION AREA,
KALABURAGI - 585 102.

4. THE COMMERCIAL TAX OFFICER
(AUDIT)-4, KALABURAGI,
GROUND FLOOR,
COMMERCIAL TAX BUILDING,
STATION AREA,
KALABURAGI -585102.

…RESPONDENTS

(BY SRI MALLIKARJUN SAHUKAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE AN APPROPRIATE WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED FORM GST DRC-01A BEARING REFERENCE NO.ZD2906260414761, DATED 08.06.2026, BEING AN INTIMATION OF TAX ASCERTAINED AS PAYABLE UNDER SECTION 73(5) OF THE CGST/SGST ACT, 2017 READ WITH RULE 142(1A) OF THE GST RULES, 2017, ISSUED BY RESPONDENT NO.4 TO THE PETITIONER AND THE CONSEQUENTIAL SHOW CAUSE NOTICE DATED 23.06.2026 ISSUED BY RESPONDENT NO.4 UNDER SECTION 73(1) READ WITH SECTIONS 122(2)(A) AND 50 OF THE CGST/SGST ACT, 2017, IN FORM GST DRC-01 BEARING REFERENCE NO. ZD290626128030L AND THE IMPUGNED ORDER DATED 16.09.2026 PASSED BY RESPONDENT NO.4 UNDER SECTION 73(9) READ WITH SECTIONS 122(2)(A) AND 50 OF THE CGST/SGST ACT, 2017, READ WITH RULE 142(1)(A) OF THE GST RULES, 2017, BEARING REFERENCE NO. ZD2909261445800, PURSUANT TO DRC-01A REFERENCE CASE ID NO. AD2906260090346 DATED 08.06.2026 AND DRC-01 REFERENCE NO. ZD290626128030L DATED 23.06.2026, WHEREBY THE PETITIONER HAS BEEN DIRECTED TO PAY A SUM OF RS.25,31,022/- (RUPEES TWENTY-FIVE LAKH THIRTY-ONE THOUSAND TWENTY-TWO ONLY) ON OR BEFORE 15.12.2026 (ANNEXURES - E , G AND J. B) ISSUE AN APPROPRIATE WRIT IN THE NATURE OF CERTIORARI

QUASHING THE RESPONDENT NO.4 IN ISSUING, ON 04.09.2026, THE IMPUGNED FORM GST DRC-01A, BEING AN INTIMATION OF TAX ASCERTAINED AS PAYABLE UNDER SECTION-73(5) OF THE CGST/SGST ACT, 2017 READ WITH RULE 142(1A) OF THE GST RULES, 2017, BEARING REFERENCE NO. ZD2909260407322 AND CASE ID NO. AD290926014922Q, AND THE PETITIONER WAS DIRECTED TO PAY RS.10,88,456/- (RUPEES TEN LAKH EIGHTY-EIGHT THOUSAND FOUR HUNDRED AND FIFTY-SIX ONLY) ON OR BEFORE 11.09.2026. AND THE CONSEQUENTIAL ACTION OF RESPONDENT NO.4 IN ISSUING, ON 16.09.2026, A FURTHER SHOW CAUSE NOTICE UNDER SECTION 73(1) READ WITH SECTIONS 122(2)(A) AND 50 OF THE CGST/SGST ACT, 2017, IN FORM GST DRC-01 BEARING REFERENCE NO. ZD2909261380709, PURSUANT TO THE AFORESAID FORM GST DRC-01A DATED 04.09.2026 (ANNEXURES - H AND K. C) PASS/ISSUE SUCH OTHER NEEDY DIRECTIONS / ORDERS IN FAVOR OF THE PETITIONER UNDER THE CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: **HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL**

ORAL ORDER

This writ petition is filed seeking the following prayers:

> " *a) Issue an appropriate writ in the nature of certiorari quashing the impugned Form GST DRC-01A bearing Reference No. ZD2906260414761, dated 08.06.2026, being an Intimation of Tax Ascertained as Payable under Section 73(5) of the CGST/SGST Act, 2017 read with Rule 142(1A) of the GST Rules, 2017, issued by*

Respondent No.4 to the Petitioner; and the consequential Show Cause Notice dated 23.06.2026 issued by Respondent No.4 under Section 73(1) read with Sections 122(2)(a) and 50 of the CGST/SGST Act, 2017, in Form GST DRC-01 bearing Reference No. ZD290626128030L; and the impugned order dated 16.09.2026 passed by Respondent No.4 under Section 73(9) read with Sections 122(2)(a) and 50 of the CGST/SGST Act, 2017, read with Rule 142(1)(a) of the GST Rules, 2017, bearing Reference No. ZD2909261445800, pursuant to DRC-01A Reference Case ID No. AD2906260090346 dated 08.06.2026 and DRC-01 Reference No. ZD290626128030L dated 23.06.2026, whereby the Petitioner has been directed to pay a sum of Rs.25,31,022/- (Rupees Twenty-Five Lakh Thirty-One Thousand Twenty-Two only) on or before 15.12.2026 (Annexures - "E", "G" and "J");

b) Issue an appropriate writ in the nature of certiorari quashing the Respondent No.4 in issuing, on 04.09.2026, the impugned Form GST DRC-01A, being an Intimation of Tax Ascertained as Payable under Section 73(5) of the CGST/SGST Act, 2017 read with Rule 142(1A) of the GST Rules, 2017, bearing Reference No. ZD2909260407322 and Case ID No. AD290926014922Q, and the Petitioner was directed to pay Rs. 10,88,456/- (Rupees Ten Lakh Eighty-Eight Thousand Four Hundred and Fifty-Six only) on or before 11.09.2026. and the consequential action of Respondent No.4 in issuing, on 16.09.2026, a further Show Cause Notice under Section 73(1) read with Sections 122(2)(a) and 50 of the

CGST/SGST Act, 2017, in Form GST DRC-01 bearing Reference No. ZD2909261380709, pursuant to the aforesaid Form GST DRC-01A dated 04.09.2026 (Annexures - "H" and "K").

c) Pass/issue such other needy directions / orders in favor of the Petitioner under the circumstances of the case in the interest of justice and equity."

2. Heard Sri. Lingaraj Mallanna, learned counsel appearing for the petitioner, learned Additional Government Advocate appearing for the respondents and meticulously perused the material available on record.

3. The petitioner is a proprietorship concerned engaged in contract works and is duly registered under the provisions of the Goods and Services Tax laws, bearing GSTIN No.29BSPPK1849F1ZB.

4. The grievance of the petitioner is that one Sri. Anantharaj, Commercial Tax Officer (Audit)-4, made certain audit observations in respect of the financial year 2022-23, as per Annexure-C. The very same officer issued

a notice dated 19.02.2026 calling upon the petitioner to furnish clarifications regarding the discrepancies noticed during the audit and subsequently passed the impugned order.

5. It is to be noticed that the petitioner submitted a reply dated 24.02.2026 to the audit observations, as per Annexure-D. Thereafter, the very same officer issued Form ADT-02 dated 12.03.2026 to the petitioner under Section 65(6) of the Karnataka Goods and Services Tax Act, 2017 ('the KGST Act' for short) read with Rule 101(5) of the Karnataka Goods and Services Tax Rules, 2017 ('the Rules' for short) and uploaded the audit report under the said provision on 12.03.2026.

6. Subsequently, the very same officer issued an intimation of the tax ascertained pursuant to the audit report in Form GST DRC-01A dated 08.06.2026. The petitioner submitted a reply thereto on 19.06.2026 as per Annexure-F. Thereafter, the same officer issued a show

cause notice in Form GST DRC-01 date 23.06.2026 under Section 73(1) of the KGST Act. The petitioner, however, did not submit any reply to the said show cause notice. Subsequently, the impugned order dated 16.09.2026 at Annexure-J, came to be passed by the very same officer.

7. Interestingly, the very same officer issued another show cause notice in Form GST DRC-01 dated 16.09.2026 under Section 73(1) read with Sections 122(2)(a) and 50 of the CGST/SGST Act, 2017, as per Annexure-K, raising fresh observations based on certain audit observations, which he could not have raised in the first occasion.

8. In my considered view, issuance of a second show cause notice in respect of the same assessment year, as per Annexure-K, is impermissible in the facts and circumstances of the present case.

9. Be that as it may, this Court, while considering a similar issue in the case of ***M/S PRESIDENCY BUILDERS***

AND DEVELOPERS VS. THE DEPUTY COMMISSIONER OF COMMERCIAL TAXES, MANGALORE AND OTHERS[1], observed that it may not be appropriate for the very same officer who raises the audit objections to call for an explanation, issue a show cause notice, adjudicate upon the same, and the matter was remitted to the higher authority to assign the matter to a different officer other than the officer, who had raised the audit objections.

10. Considering the aforesaid decision, I am of the considered view that the present matter also requires to be remitted to the higher authority, subject to certain conditions. Hence, I proceed to pass the following:

ORDER

i) The writ petition is ***allowed***.

ii) The impugned order dated 16.09.2026 at Annexure-J and the second show cause notice dated 16.09.2026 at Annexure-K are set aside.

[1] W.P.No.28539/2025, DD 10.11.2025

iii) The Joint Commissioner for Commercial Tax is directed to assign the matter to an appropriate officer other than the respondent, who had raised the audit observations under Section 65(6) of the KGST Act.

iv) The matter is remitted back to the concerned respondent for reconsideration afresh from the stage of submitting reply to the show-cause notice dated 23.06.2026, subject to petitioner depositing 10% of the total tax amount demanded under the impugned order. The amount so deposited shall be subject to the final outcome of adjudication proceedings.

v) Liberty is reserved in favour of the petitioner to raise all contentions including the contentions with regard to audit report, which shall be considered by an appropriate officer, who shall then proceed further, in accordance with law.

vi) The petitioner shall appear before the concerned officer on ***06.01.2027*** without awaiting further notice from the

respondent, failing which the present order shall stand recalled automatically, without further reference to the Bench and further orders.

vii) Liberty is reserved in favour of the petitioner to submit replies, responses, pleadings, documents etc., which shall be considered by the respondent, who shall provide sufficient and reasonable opportunity to the petitioner, hear him and proceed further, in accordance with law.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

PHM
List No.: 2 Sl No.: 7