



2025:UHC:4873-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR
AND

HON'BLE SRI JUSTICE ALOK MAHRA

12TH JUNE, 2025

WRIT PETITION (M/B) No. 358 OF 2025

M/s Gajanand Granite. ...Petitioner

Versus

Office of State Tax Officer, Dehradun. ...Respondent

Counsel for the petitioner. : Mr. Sagar Kothari, learned counsel.

Counsel for the respondent. : Ms. Puja Banga, learned Brief Holder
for the State of Uttarakhand.

JUDGMENT : (per Sri G. Narendar, C.J.)

Heard the learned counsel for the petitioner, and the learned Brief Holder for the State of Uttarakhand/ respondent.

2. The short point, that is canvassed by the petitioner before this Court, is that there was an interception of the lorry carrying the goods belonging to the petitioner; that on interception and inspection of the documents, the authorities issued a show-cause notice, and proceeded to pass the order imposing fine and penalty, and also confiscation of the goods; that the entire sequence of the act was performed on the same day, without affording an opportunity to the petitioner; that the entire process was completed on the alleged show-cause notice, which was replied by the driver of the vehicle, who was in no way connected with the goods; and that he being merely a driver of the carriage, the respondent could not have initiated and completed the process of confiscation and imposition of fine and penalty, which have serious civil consequences, on the same day.

3. On a query, the learned Brief Holder for the State of Uttarakhand/ respondent would fairly admit the sequence of events.



4. In that view of the matter, we are of the considered opinion that the action complained of is not merely arbitrary, but is in the teeth of the provisions of sub-section (4) of Section 130 of the CGST Act, 2017, which reads as under :

"130. Confiscation of goods or conveyances and levy of penalty.—

(1) ...

(2) ...

(3) ...

(4) No order for confiscation of goods or conveyance or for imposition of penalty shall be issued without giving the person an opportunity of being heard."

5. In that view of the matter, the order of confiscation and imposition of fine and penalty, is set aside. The matter is remitted back to the Competent Authority/ Deputy Commissioner, Commercial Tax, Dehradun to redo the process from the stage of issuance of show-cause notice.

6. The Writ Petition stands ordered accordingly. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any pending, shall stand closed.

G. NARENDAR, C.J.

ALOK MAHRA, J.

Dt: 12th June, 2025
Rahul