IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 11418 OF 2026 (T-RES)

BETWEEN:

SMT. NELAMANGALA RAJAGOPAL AMRUTHA
AGED ABOUT 37 YEAR
PROPRIETRIX OF M/S L. N. TRADERS,
GROUND FLOOR, NO.1, DR. RAJKUMAR CIRCLE,
BGS ROAD, NELAMANGALA TOWN
BENGALURU RURAL - 562 123.

...PETITIONER

(BY SRI. SHYAMALA V DEVAGIRI.,ADVOCATE)

AND:

1. UNION OF INDIA
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF REVENUE,
   MINISTRY OF FINANCE
   GOVERNMENT OF INDIA,
   NORTH BLOCK, NEW DELHI-110 001.

2. THE SUPERINTENDENT OF CENTRAL TAX (GST),
   CNWD-3 RANGE, NWD 3 DIVISION,
   BENGALURU NORTH-WEST COMMISSIONERATE,
   NORTH WING, 2ND FLOOR, BMTC COMPLEX,
   SHIVAJINAGAR BUS STAND,
   BENGALURU - 560 051

...RESPONDENTS

(BY SRI. JEEVAN J NEERALGI ,ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR QUASH THE ADJUDICATION ORDER BEARING NO.ORDER-IN-

ORIGINAL NO. 12/2023-24 DATED.13/04/2024 ISSUED BY THE 2ND RESPONDENT AT ANNEXURE - B, AS VIOLATIVE OF ARTICLES 14, 19 AND 300A BEING UNREASONABLE, ARBITRARY, OPPRESSIVE, EXCESSIVE AND PREMEDITATED.

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

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

ORAL ORDER

The petitioner has called in question the Adjudication Order under Section 73 of the Central Goods and Services Tax Act, 2017 [for short, the '*CGST Act*'] dated 13.04.2024 [*Annexure-B*] and the consequential Demand dated 26.04.2024 [*Annexure-C]*. The petitioner has also sought for certain other reliefs but the essential question for consideration is: *should this Court interfere with the aforesaid Adjudication order and Demand to restore the proceedings to the second respondent for due consideration with opportunity to the petitioner to file response?.*

Ms.Shyamala V Devagiri, the learned counsel for the petitioner, and Sri Jeevan J Neeralgi, the learned Standing Counsel for the respondents, are heard for disposal of the petition. The proceedings are commenced on the ground that the petitioner could not have availed Input Tax Credit [*ITC*] because it has filed its returns in GSTR-3B belatedly. The petitioner is issued with Show Cause Notice but she has not responded. The order also records that the personal hearing communications were addressed to the petitioner on the portal but she has not availed such opportunity.

However, the petitioner asserts that because she is not computer literate she was not in the know of the notices issued; and on merits, the petitioner proposes to rely upon Section 16[5] of the CGST Act to contend that with the incorporation of this clause by amendment in the year 2017 with effect from 01.07.2017, she would be entitled to ITC on any return that is filed before 30.11.2021. This Court is of the view that the petitioner cannot be said to be acting *mala fide* in asserting lack of computer literacy and crucially would be entitled to seek ITC if Section 16[5] of the CGST Act would be applicable. The second respondent will have to consider the same and hence this Court interferes with the impugned adjudication order by the following;

ORDER

The petition is allowed in part and the impugned Order of Adjudication dated 13.04.2024 [*Annexure-B*] and the demand dated 26.04.2024 [Annexure-C] are quashed. The petitioner shall, without further notice, appear before the second respondent on ***23.07.2026*** and file all documents to substantiate her case.

Sd/-
(B M SHYAM PRASAD)
JUDGE

NV