



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP Nos. 26581 & 26588 of 2026

and WMP.Nos.29080, 29086, 29090 & 29091 of 2026

In both WPs.

SM Feeds & Farms (India) Private Limited
Represented by its Director E. Santhanam,
No. 294/6A/1, Thiruvallur High Road,
Alamathi Village, Red Hills,
Chennai, Tamil Nadu 600 052.

..Petitioner

Vs

The Assistant Commissioner (ST)
Cholavaram Assessment Circle,
Room No. 109 1st Floor,
Integrated Commercial tax Building,
Elephant Gate, Wall Tax Road, Chennai 600 003.

..Respondent

Prayer in W.P.No.26581 of 2026: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records on the files of the Respondent herein in his proceeding in FORM GST DRC 07 with Reference No. ZD331224213379L dated 24.12.2024 issued along with detailed order in GSTIN/33AANCS2321N1Z7/2019-20 dated 24.12.2024 for the tax period APR 2019 - MAR 2020 and quash the same.

Prayer in W.P.No.26588 of 2026: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records on the files of the Respondent herein in his proceeding in FORM GST DRC - 07 with Reference No. ZD331224213506U dated 24.12.2024 issued along with detailed order in GSTIN / 33AANCS2321N1Z7/2020-21 dated 24.12.2024 for the tax period APR 2020 - MAR 2021 and quash the same.



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For Petitioner:

Mr. B. Syed Abdul Wakeel

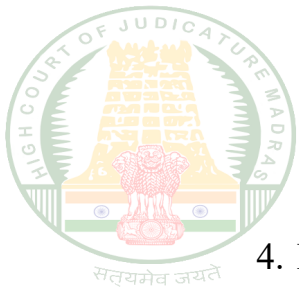
For Respondent:

Ms. Amirta Poonkodi Dinakaran
Government Counsel (Tax)**COMMON ORDER**

In these two writ petitions, orders dated 24.12.2024 relating to assessment periods 2019 – 2020 and 2020 – 2021 are assailed primarily on the ground that tax was imposed on the petitioner although the petitioner did not avail of and utilise Input Tax Credit (ITC).

2. Learned counsel for the petitioner submits that the petitioner is engaged in the business of dealing in live poultry and poultry feed, which are exempt under GST laws. Consequently, he submits that the petitioner did not avail of or utilise ITC in respect of supplies received from M/s.Max Chem Pharma, Bangalore. He relies on the particulars recorded in the petitioner's GSTR 3B returns in this regard.

3. Without prejudice, in view of the petitioner approaching this Court belatedly in relation to orders issued in the year 2024, on instructions, learned counsel submits that the petitioner agrees to remit 10% of the tax demand in respect of each impugned order as a condition for remand. An endorsement has been made on the bundle to that effect.



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4. Ms. Amirta Poonkodi Dinakaran, learned Government Counsel (Tax), accepts notice on behalf of the respondent. She submits that the petitioner should have replied to the show cause notice and stated that no ITC was availed of or utilised in view of the petitioner dealing exclusively in exempt supplies.

5. The petitioner has placed on record the auto-populated GSTR 2A and the GSTR 3B for the relevant period. While the auto-populated GSTR 2A reflects ITC on supplies received by the petitioner, the GSTR 3B shows that no ITC was availed of or utilised. Therefore, it appears *prima facie* that no ITC was availed of or utilised by the petitioner.

6. In these circumstances, the imposition of tax on the total value of supplies received by the petitioner from M/s.Max Chem Pharma, Bangalore warrants re-consideration. Towards that end, subject to remittance of 10% of the tax demand under the impugned orders within thirty days from the date of receipt of a copy of this order, both the impugned orders are set aside and these matters are remanded for re-consideration. After providing a reasonable opportunity to the petitioner, fresh orders shall be issued within three months from the date of remittance of the above mentioned amounts.



SENTHILKUMAR RAMAMOORTHY, J.

KJ

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7. The writ petitions are disposed of on the above terms. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

22-07-2026

Index : Yes/No

Neutral Citation : Yes/No

KJ

To

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