IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

WP No. 7419 of 2023
AND
WMP NO. 7495 OF 2023,WMP NO. 7498 OF 2023

1. Mehra Computer Systems Limited
Rep. by its Managing Director and Auth
Signatory Praveen Kumar Mehra
Survey No. 142, Old Mahabalipuram
Road Karapakkam chennai 600 097

Petitioner(s)

Vs

1. The Deputy Commissioner of GST
and central Excise
Sholinganallur Division, Chennai South
MHU Complex Nandanam Anna Salai
chennai 600 035

Respondent(s)

PRAYER

Call upon the reocrds pertaining to the Deman Letter C. No. IV / 16 / 11 / 2022-Tech dated 29.04.2022 and quash the same and consequentially, direct the respondent to recall all the notices issued to customers of the petitioner company for recovery of the alleged interest and pass

For Petitioner(s): Ms. Aparna
for Mr. J V Niranjan

For Respondent(s): Mr. A.P. Srinivas

ORDER

This writ petition has been filed, challenging the impugned demand letter dated 29.04.2022 issued by the respondent.

2. Under the impugned demand letter, M/s. Hyundai Motor India Ltd., customer of the petitioner has been called upon to make payments on account of non payment of tax and penalty dues amounting to Rs.59,74,063/-.

3. The petitioner has raised various grounds in this writ petition for challenging the impugned demand letter, which includes the ground that the provision quoted in the impugned demand letter viz., Sub Section (b) of Section 87 of the Finance Act, 1994 does not enable the respondent to seek recovery of central excise dues payable to the Central Government, which is claimed by the respondent under the impugned demand letter.

4. On the last hearing date, i.e., on 10.10.2025, the learned senior standing counsel for the respondent, on instructions, had submitted before this Court that due to subsequent developments in this case, the petitioner can be directed by this Court to make a fresh representation to the respondent, seeking for the relief as prayed for in this writ petition and once such a representation is made, the same shall be considered by the respondent on merits and in accordance with law.

5. However, in order to protect the interest of the petitioner, pending adjudication of the petitioner's representation to be given by them, it is necessary that coercive steps should not be taken against the petitioner pursuant to the impugned demand letter till the adjudication of the petitioner's representation to be given by them, pursuant to the directions given by this Court today.

6. The learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to give representation as suggested by the learned counsel appearing for the respondent, provided that the petitioner's interest is protected by directing the respondent not to take any coercive steps against the petitioner, pursuant to the impugned demand letter dated 24.02.2023.

7. Accordingly, this writ petition is disposed of by directing the petitioner to submit a representation to the respondent, seeking for revocation of the impugned demand letter dated 24.02.2023 within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondent shall consider the same on merits and in accordance with law within a period of eight weeks thereafter. Till the final orders are passed by the respondent on the petitioner's representation, the respondent shall not take any coercive steps against the petitioner pursuant to the impugned demand letter

dated 24.02.2023. No Costs. Consequently, connected miscellaneous petitions are closed.

01-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
ab

To

1.The Deputy Commissioner of GST
and central Excise
Sholinganallur Division, Chennai South
MHU Complex Nandanam Anna Salai
chennai 600 035

ABDUL QUDDHOSE J.

ab

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