IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.11978 and W.M.P.No.13545 of 2025
and
W.P.No.16934 of 2025 and W.M.P.No.19229 of 2025

Tvl.Anne Sales Corporation,
No.142, Arcot Road,
Kodambakkam,
Chennai – 600 024. ... Petitioner in both cases

Vs.

The Assistant Commissioner (ST),
MMDA Colony, Centra-I,
Chennai Central. ... Respondent in both cases

Prayer in W.P.No.11978 of 2025: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the respondent herein in the order issued in Form GST DRC-07 Reference No.ZD330424228952F dated 29.04.2024 and quash the same.

Prayer in W.P.No.16934 of 2025: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the respondent herein in the order issued in Form GST DRC-07 Reference No.ZD330824130004X dated 16.08.2024 and quash the same.

For Petitioner : Mr.C.Bosco in both cases

For Respondent : M/s.P.Selvi,
Government Advocate in both cases

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COMMON ORDER

By this common order, both these writ petitions are being disposed of.

2. In W.P. No.11978 of 2025, the petitioner has challenged the order dated 29.04.2024 in DRC-07 passed by the Respondent for the tax period 2018-2019 which was preceded by the Show Cause Notice in DRC-01 dated 27.12.2023 to which the petitioner did not reply and thus suffered the ex-parte impugned assessment order.

3. In W.P. No.16934 of 2025, the petitioner has challenged the impugned order dated 16.08.2024 in DRC-07 passed by the respondent under Section 73 of the respective GST enactments for the tax period 2018-2019 which was preceded by the show cause notice in DRC-01 dated 27.05.2024. The petitioner failed to respond to the Show Cause Notice in DRC-01 and thus suffered the impugned order.

4. The demand confirmed in the impugned orders prima *facie* appears to be on account of the petitioner's failure to reverse the Input Tax Credit on services used for both taxable and exempt supplies and the petitioner has suffered adverse impugned assessment orders as they failed to file a proper reply to the Notice in DRC-01 defending their case.

5. It is the case of the petitioner that the petitioner's registration was cancelled w.e.f 31.03.2022 and that the petitioner was unaware of the notices preceding the impugned orders. The petitioner further contends that the impugned orders were passed without proper service of notice.

6.Under similar circumstances, Orders have been quashed and cases have been remitted back to pass a fresh order on terms subject to such Assessee depositing 25% to 100% of the disputed tax depending upon the length of delay in approaching the Court. I do not find any reason to take a different view in this case.

7. Therefore, to balance the interest of both the parties, viz the assessee and the revenue, impugned orders are quashed and the cases are remitted back to the Respondent to pass fresh orders on merits subject to the petitioner depositing 10% of the disputed tax confirmed under each of the impugned order in cash in the petitioner's Electronic Cash Ledger within a period of thirty (30) days from the date of receipt of a copy of this order.

8.Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 27.05.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 29.04.2024 as an addendum to the Show Cause Notice dated 27.05.2024.

9. In case the petitioner complies with the above stipulations, the Respondent shall proceed to pass a final order on merits and in accordance with law as expeditiously as possible, preferably within a period of three (3) months from the date of such reply / pre-deposit. Subject to such compliance, the attachment of the petitioner's bank account shall stand automatically raised/vacated.

10. In case the petitioner fails to comply with any of the above stipulations, the Respondent is at liberty to proceed against the petitioner to recover the tax in accordance with law, as if this writ petition had been dismissed *in limine* today.

11. These writ petitions stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

05.12.2025

Neutral Citation : Yes / No

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To:

The Assistant Commissioner (ST),
MMDA Colony, Centra-I,
Chennai Central.

C.SARAVANAN, J.

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