IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2025

CORAM :

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No. 19602 of 2025
and
W.M.P.Nos. 21956, 21958 & 21961 of 2025

Tvl. Prabha Drug House,
Rep. By its Proprietor,
R.Sampath Kumar,
Sy.No. 352, Block 51,
Ward – B, Janappar Street,
Hosur – 635 109. .. Petitioner

vs

1.The Assistant Commissioner (ST) (FAC),
(also known as the Commercial Tax Officer),
Hosur North II Circle.

2.The Manager,
Tamil Nadu Mercantile Bank Ltd.,
No.690/1, Old Bangalore Road,
Hosur – 635 109. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records on the file of the 1st respondent herein in GSTIN/33APUPS2933K1ZA/2017-18 in FORM GST DRC-07 in Order Reference No. ZD3305240358875 dated 07.05.2024 and quash the same.

For Petitioner : Ms.K.Siri Chandana

For Respondents : Mr.T.N.C. Kaushik
Additional Government Pleader (T)
for R1

ORDER

The petitioner assails an order dated 07.05.2024 confirming the tax proposal pertaining to mismatch between the petitioner's GSTR1 and GSTR 3B returns.

2. Learned counsel for petitioner submits that the show cause notice was replied to and that the petitioner remitted 58% of the differential amount claimed by way of debit from electronic credit ledger. Without taking such aspect into account, she submits that the entire original tax demand was confirmed.

3. Mr.T.N.C. Kaushik, learned Additional Government Pleader, accepts notice for the respondents. He submits fairly that the matter may require reconsideration.

4. On perusal of the impugned order, it is clear that the entire tax proposal was confirmed and no credit was given in respect of 58% remitted by way of debiting the electronic credit ledger of the petitioner. Therefore, the matter requires reconsideration.

5. For reasons aforesaid, impugned order dated 07.05.2024 is set aside and the matter is remanded for reconsideration of the first respondent. After providing reasonable opportunity to the petitioner, the first respondent is directed to reconsider the matter, including by taking into consideration the remittances made by the petitioner by way of debit from electronic credit ledger.

6. Since the second respondent has been impleaded as garnishee, the writ petition is disposed of without notice to the second respondent. As a consequence of the impugned assessment order being set aside, the consequential bank attachment is raised. No costs. Consequently, connected miscellaneous petitions are closed.

29.05.2025

Index:Yes/No
Neutral Citation:Yes/No
mmi/ssm

To

1.The Assistant Commissioner (ST) (FAC),
(also known as the Commercial Tax Officer),
Hosur North II Circle.

2.The Manager,
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SENTHILKUMAR RAMAMOORTHY , J.

mmi/ssm

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