IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.22510 of 2025

and

WMP.No.25331 of 2025

M/s.Padmavathi Textiles
Represented by its Proprietor
Mr.Ramesh Kumar Dangi
D.No.2D, 2E, Bagalur Road
Hosur 635 109. ...Petitioner

Vs.

1.The State Tax Officer
Hosur South-I Assessment Circle
Hosur.

2.The Assistant Commissioner (State Taxes)
Hosur South Assessment Circle
Hosur. ...Respondents

Prayer: This Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the connected records pertaining to the impugned proceedings of the 1st Respondent herein made in reference No.GSTIN:33BMQPR4143G1ZV/2017-2018 dated 13-01-2025 and quash the same as illegal

For Petitioner : M/r.Manoharan Sundaram

For Respondents : Mrs.K.Vasanthamala
Government Advocate

ORDER

Mrs.K.Vasanthamala, learned Government Advocate takes notice for the respondents.

2. This Writ Petition is being disposed of at the time of admission with the consent of the learned counsel for the Petitioner and learned Government Advocate for the Respondents.

3. In this Writ Petition, the Petitioner has challenged the impugned Order passed under Section 74 of the Act, on 13.01.2025, which was preceded a pre-notice in DRC-01 dated 13.10.2023 for the tax period

2017-18. The case of the petitioner is that the petitioner had voluntarily surrendered the GST Registration and the petitioner's registration was cancelled with retrospective effect from 01.04.2018 by issuance of Form GST REG-19.

4. The learned counsel for the petitioner would submit that the petitioner was not aware of the issuance of the notice in DRC-01 dated 13.10.2023. It is submitted that the petitioner was also unaware of the recovery proceedings initiated.

5. The learned Government Advocate for the respondents would submit that in case of voluntary cancellation of GST Registration, e-mail ID's are collected and the notices are transmitted to such registered person both in the web portal and to the designated e-mail ID’s collected at the time of cancellation of Registration. Therefore, the petitioner cannot feign ignorance of the notices. Hence, there is no merits in the Writ Petition.

6. Having considered the submission made by the learned counsel for the petitioner and the learned Government Advocate for the respondents.

7. It is noticed that the limitation for filing an appeal under Section 107 of the respective GST enactments, 2017 against the impugned Orders has already expired. The present Writ Petition has been filed only on 16.06.2025.

8. 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 10% 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.

9. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue and following the consistent view taken by this Court under similar circumstances, the case is remitted back to the 1st Respondent to pass a fresh order subject to the Petitioner depositing 10% of the disputed tax in cash from the Petitioner's Electronic Cash Register within a period of thirty (30) days from the date of receipt of a copy of this order.

10. In case the Petitioner complies with the above stipulations, the 1st 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 of such reply/pre-deposit. Subject to the Petitioner complying with the above stipulations, if any, the attachment of the bank account of the Petitioner shall also stand automatically raised/vacated.

11. It is made clear that bank attachment shall be lifted subject to the deposit of 25% of the disputed tax as ordered above and no other amount is in arrears barring the amount demanded under the impugned Order.

12. In case the Petitioner fails to comply with any of the stipulations, the 1st Respondent is at liberty to proceed against the Petitioner to recover the tax in accordance with law as if this Writ Petition was dismissed *in limine* today.

13. Needless to state, before passing any such order, the 1st Respondent shall give due notice to the Petitioner.

14. This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petition is closed.

05.11.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No
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To

1.The State Tax Officer
Hosur South-I Assessment Circle
Hosur.

2.The Assistant Commissioner (State Taxes)
Hosur South Assessment Circle
Hosur.

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