IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.Nos.25934, 18672, 18674, 18678, 18681, 18685,
18689 & 18695 of 2025
and
W.M.P.Nos.29174, 29178, 29181, 20902, 20903, 20904, 20905, 20906, 20907, 20908, 20909, 20910, 20912, 20913, 20914, 20915, 20916, 20917, 20919, 20920, 20921, 20924, 20925 & 20926 of 2025

M/s.Balaji Blue Metals,
Represented by its Partner,
K.Sundaramoorthy,
No.102, Nerkunapattu,
Maduranthakam,
Kancheepuram - 603 305. ...Petitioner
(in all W.Ps)

Vs.

1.The Deputy Commissioner (ST),
Chengalpattu Zone,
No.26, Abirami Complex,
Mahalakshmi Nagar,
Thimmavaram,
Chengalpattu - 603 101. ... 1st Respondent
[in W.P.No.25934 of 2025]

2.The State Tax Officer (Int) / Group VII,

Chengalpattu Intelligence,
No.870/2A, 1st Floor,
Kanchipuram High Road,
Thimmavaram Post,
Chengalpattu - 603 101. ... 2nd Respondent
[in W.P.No.25934 of 2025]
and
... Respondent
[in W.P.Nos.18672, 18674, 18678, 18681, 18685, 18689 & 18695 of 2025]

Prayer in W.P.No.25934 of 2025: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned bank attachment notice dated 10.06.2025, bearing GSTIN: 33AAKFM2108H1ZM/2017-18 to June-2023/DSTO-3, issued by the first respondent and quash the same and to further direct the respondents to restrain from initiating any coercive action against the petitioner to recover the demand made under the seven assessment orders mentioned in the impugned bank attachment notice dated 10.06.2025.

Prayer in W.P.Nos.18672, 18674, 18678, 18681, 18685, 18689 & 18695 of 2025: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned assessment order dated 20.11.2024 bearing Reference Nos.ZD331124160914L, ZD331124160938B, ZD3311241609969, ZD331124161017W, ZD3311241610514, ZD331124161064X and ZD331124161084V and the consequential impugned rectification order dated 11.03.2025 bearing Reference Nos.ZD3303250659449, ZD330325066026O, ZD330325066079D, ZD330325066208I, ZD330325066353L, ZD330325066387A and ZD330325066427E respectively, both passed by the respondent and quash the same.

For Petitioner (in all W.Ps) : Mr.Vijay Narayan
Senior Counsel

for Mr.Hari Radhakrishnan

For Respondent (in all W.Ps)	:	Mr.V.Prashanth Kiran Government Advocate (Tax)

COMMON ORDER

The challenge in these Writ Petitions is to the orders dated 20.11.2024 passed by the respondent-State Tax Officer for the assessment years 2017-18 to 2023-24 and also the attachment notice dated 10.06.2025 issued by the first respondent and to quash the same.

2. The learned counsel for the petitioner would submit that the respondent-State Tax Officer issued show cause notice in Form DRC-01 dated 06.06.2024, for which the petitioner filed his reply on 06.08.2024 along with other supporting documents. However, in non-application of mind, the impugned order has been passed by the respondent. As against the impugned order, the petitioner filed rectification application and the same was rejected. He would contend that no opportunity of personal hearing was provided by the respondent prior to the passing of impugned order, which is violation of principles of natural justice.

3. It is also submitted by the learned counsel for the petitioner that in W.P.No.18678 of 2025, for the assessment year 2019-20, tax demand for a sum of Rs.76,94,86,799/- was raised by the respondent-State Tax Officer, but however, in the bank statement, it states that the total amount credited during the assessment year was about Rs.5,36,47,702/-. Therefore, in non-application of mind and beyond the scope of the show cause notice, the impugned assessment order was passed by the respondent and therefore, the same is liable to be set aside. He would further submit that there is bank attachment and the same may be lifted. Hence, he prayed for appropriate directions.

4. On the other hand, the learned Government Advocate (Tax) for the respondents fairly submitted that the tax demand was confirmed in the assessment order was beyond the scope of the show cause notice and therefore, he prayed for appropriate orders.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Tax) for the respondents and also perused the materials available on record.

6. Considering the above submissions made by the learned counsel on either side and upon perusal of the materials, in the present case, a perusal of the chart produced before this Court would show that beyond the tax demand raised in the show cause notice, the impugned assessment order was passed for all 7 assessment years and the excess of tax demand made in the assessment order for the assessment years pertaining to 2017-18 to 2022-23.

7. A perusal of the above would clearly show that the scope of the assessment order is beyond the scope of the tax demand. That apart, for the assessment year 2019-20, a tax demand of Rs.76,94,86,799/- was raised by the respondent-State Tax Officer. However, the bank statement produced by the learned counsel for the petitioner before this Court would clearly show that the total transaction during the assessment year was around Rs.5,36,47,702/- and therefore, without appreciating the reply filed by the petitioner in a proper manner, the impugned orders were passed. Therefore, this Court finds serious error on the part of the respondent-State Tax Officer while passing the impugned assessment order.

8. In such view of the matter, this Court is inclined to set aside the impugned orders dated 20.11.2024 and the consequential orders dated 11.03.2025. Accordingly, this Court passes the following order:

(i) The impugned orders passed dated 20.11.2024 and the consequential orders dated 11.03.2025 by the respondent-State Tax Officer are set aside.

(ii) Consequently, these matters are remanded to the respondent-State Tax Officer for fresh consideration.

(iii) Thereafter, the petitioner is directed to file their reply/objection along with the required documents, if any, within a period of two weeks from the date of receipt of copy of this order.

(iv) Thereupon, the respondent-State Tax Officer is directed to consider the reply and shall issue a clear 14 days notice affording an opportunity of personal hearing to the petitioner and shall decide the matter in accordance with law.

(v) The respondent-Department is directed to issue appropriate direction on the petitioner's banker towards defreezure of the petitioner's bank account forthwith.

9. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

24.07.2025

Speaking order / Non-Speaking order
Index : Yes / No
Neutral Citation : Yes / No

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To

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No.26, Abirami Complex,
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KRISHNAN RAMASAMY, J.,

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