IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.28856 of 2025
& WMP.Nos.32367 & 32368 of 2025

M/s Lexington Soft Private Limited
(Represented by its Director
Mrs. Cynthia Dulipsingh),
No.07, 15th Avenue,
Harrington Road Chetpet,
Chennai 600 031

... Petitioner

Vs.

1. The Additional Commissioner of
GST and Central Excise Audit 1
commissionerate chennai

2. Superintendent of GST and Central Excise
Chennai North State / UT Tamilnadu

3. The Additional Commissioner of GST and Central Excise
Chennai North GST Commissionerate GST Bhawan,
No.121, Mahatma Gandhi Road
Nungambakkam Chennai 600 034

4. The Joint Commissioner of GST and Central Excise
Chennai North GST Commissionerate GST Bhawan,
No.121, Mahatma Gandhi Road
Nungambakkam, Chennai 600 034

... 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 files of the 1st Respondent herein, in Show Cause Notice No. 220/2025 -Audit - I with DIN -20250659XR000041414F dated 28.06.2025 along with the accompanying FORM GST DRC-01 With No ZD330625324165L dated 28.06.2025 and quash the same

For Petitioner : Mr.N.Prasad

For Respondent : Mr.Rajendran Raghavan, SPC

ORDER

This writ petition has been filed challenging the impugned show cause notices dated 28.06.2025 issued by the respondent.

2. Mr.Rajendran Raghavan, learned Senior Panel Counsel, takes notice on behalf of the respondent. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

3. When this writ petition was taken up for hearing, the learned

counsel for the petitioner and the learned Senior Panel Counsel for the respondent would submit that the issue involved in the present petition is with regard to the bunching of show cause notice, i.e., issuance of single show cause notice for more than one financial year.

4. Further, they would submit that the aforesaid issue has already been decided by this Court vide common order dated 21.07.2025 passed in W.P.Nos.29716 of 2024, etc., batch, wherein it has been held as follows:

> *"28. (i) The GST Act permits only for issuance of show cause notice based on the tax period. Therefore, if the annual return is filed, the entire year would be considered as a tax period and accordingly, the show cause notice shall be issued based on the said annual returns.*
>
> *(ii) If show cause notice is issued before the filing of annual returns, the same can be issued based on the filing of monthly returns;*
>
> *(iii) If show cause notice is issued after the filing of annual returns or after the commencement of limitation, the said notice shall be issued based on the annual returns with regard to the relevant financial year.*

(iv) No show cause notice can be clubbed and issued for more than one financial year since the same is impermissible in law.

(v) In these cases, without any jurisdiction, the impugned show cause notices/orders came to be issued/passed for more than one financial year, which is impermissible in law and hence, the same is liable to be quashed. Accordingly, the impugned show cause notices/orders stand quashed based on the aspect of clubbing of show cause notices for more than one financial year."

5. Therefore, considering the submissions made by the learned counsel for the petitioner and by following the aforesaid order dated 21.07.2025 passed in W.P.Nos.29716 of 2024, etc., batch, this Court holds that in this case, without any jurisdiction, the impugned show cause notice came to be issued for more than one financial year, viz., 2018-2019 to 2023-2024, which is impermissible in law and hence, the same is liable to be quashed.

6. Accordingly, this Court passes the following order:

(i) The impugned show cause notice dated 28.06.2025 is quashed.

(ii) The respondent is granted liberty to initiate separate proceedings, against the petitioner, for each financial year.

7. With the above directions, this writ petition is disposed of. No cost. Consequently, the connected miscellaneous petitions are also closed.

05.08.2025

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

To

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commissionerate chennai

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KRISHNAN RAMASAMY.J.,

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