IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.31747 of 2025
& W.M.P.Nos.35546, 35547 & 35549 of 2025 of 2025

DSV Air and Sea International Private Limited,
North Tower, Door No.2, KRM Plaza,
Chetpet, Harrington Road,
Chetpet, Chennai, Tamil Nadu - 600 031
Rep. by its authorised representative
Mr.Raghavan TVN ... Petitioner

Vs.

1.Union of India,
Rep. by Secretary to Government,
Ministry of Finance, Department of Revenue,
North Block, New Delhi - 110 001.

2.The Joint Commissioner of CGST & Central Excise,
Chennai Audit I Commissionerate, No.1775,
J L Nehru Inner Ring Road, Anna Nagar Western Extension,
Chennai - 600 101.

3.The Additional Commissioner of CGST & Central Excise,
Chennai North Commissionerate,
No.26/1, Mahatma Gandhi Road,
Chennai - 600 034.

4.The Principle Commissioner of CGST & Central Excise,
Chennai North Commissionerate,
No.26/1, Mahatma Gandhi Road,
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 of the Impugned Show Cause Notice No.336/2024 (DIN:-20241159XR000000ECEA) dated 27.11.2024 along with the summary thereof in Form GST DRC-01 bearing reference No.ZD3311243014714 dated 29.11.2024 issued by Respondent No.2 and the consequent Impugned Order-In-Original No.148/2025-GST CH.N (ADC) dated 07.05.2025 along-with summary thereof in Form GST DRC-07 bearing reference No.ZD330525056877Z dated 08.05.2025 passed by the respondent No.3, and quash the same.

For Petitioner : Mr.Sanjeev Nair
and Mr.Pavan Kumar Gandhi

For Respondents : Mrs.Revathi Manivannan,
Senior Standing Counsel

ORDER

This writ petition has been filed challenging the show cause notice dated 27.11.2024 and Order-in-original dated 07.05.2025 issued by the respondents 2 & 3.

2. Mrs.Revathi Manivannan, learned Senior Standing Counsel, takes notice on behalf of the respondents. 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 Standing Counsel for the respondents 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., 2018-19 to 2022-23, 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 27.11.2024 passed by the second respondent and consequential impugned order-in-original dated 07.05.2025 passed by the third respondent are quashed.

(ii) The respondents are directed to de-freeze the bank account of the petitioner immediately upon production of a copy of this order, if any.

(iii) The respondents are granted liberty to initiate separate proceedings, against the petitioner, for each financial year.

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

21.08.2025

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

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To

1.The Secretary to Government,
Ministry of Finance, Department of Revenue,
North Block, New Delhi - 110 001.

2.The Joint Commissioner of CGST & Central Excise,
Chennai Audit I Commissionerate, No.1775,
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KRISHNAN RAMASAMY.J.,

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