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W.P.No.32594 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.32594 of 2025
and WMP No.36528, 36529 of 2025

M/s.Shree Tech Electricals,
rep. By its Proprietor, Anitha
No.22, I Floor, Kamarajar Nagar Extension 2,
Gandhi Nagar Post
Kurinjipadi Taluk,
Cuddalore 607 801

: Petitioner

Vs.

Deputy State Tax Officer I,
Panruti Rural,
Commercial Taxes Department,
Government of Tamil Nadu

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus calling for the records on the file of the respondent in proceedings dated 14.11.2023 in proceeding GSTIN 33CXYP4136L1Z5/2021-22 and quash the same and direct the Respondent to pass fresh orders after giving reasonable opportunity to the Petitioner.

For Petitioner : Mr.N.R.Rajagoplan

For Respondent : Ms.P.Selvi,
Government Advocate (Taxes)



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W.P.No.32594 of 2025

ORDER

The present writ petition is filed challenging the impugned order dated 14.11.2023 relating to the assessment year 2021-22.

2. It is submitted by the learned counsel for the petitioner that the petitioner is engaged in the business of electricals and spare parts and is registered under the Goods and Services Tax Act, 2017. During the relevant period 2021-22, the petitioner filed its returns and paid the appropriate taxes. However, on verification of the returns, it was *inter-alia* noticed that there is mismatch between GSTR 3B and GSTR 7.

3. Pursuant thereto, a notice in DRC-01A was issued on 23.02.2023, followed by another notice in DRC 01 dated 01.06.2023 and reminder notices dated 21.07.2023, 12.09.2023 and 06.11.2023. Further, personal hearings were offered on 31.07.2023, 21.09.2023 and 10.11.2023. However, the petitioner had not responded to any of the above notices, the impugned order was thus passed confirming the proposal. It is submitted by the learned counsel for the petitioner that neither the show cause notices nor the impugned order of assessment has been



W.P.No.32594 of 2025

WEB COPY

served on the petitioner by tender or sending it by RPAD, instead it had been uploaded under “additional notices and orders” tab on the GST Portal, thereby, the petitioner was unaware of the initiated proceedings and was thus unable to participate in the adjudication proceedings. It is submitted by the learned counsel for the petitioner that if the petitioner is provided with an opportunity, they would be able to explain the alleged discrepancies.

4. The learned counsel for the petitioner would place reliance upon the recent judgment of this Court in the case of ***M/s.K.Balakrishnan, Balu Cables vs. O/o. the Assistant Commissioner of GST & Central Excise in W.P.(MD)No.11924 of 2024 dated 10.06.2024***, to submit that this court has remanded the matter back in similar circumstances subject to payment of 25% of the disputed taxes.

5. It was further submitted that the petitioner is ready and willing to pay 25% of the disputed tax and that they may be granted one final opportunity before the adjudicating authority to put forth their objections to the proposal, to which the learned Government Advocate appearing for the respondent does not have any serious objection.

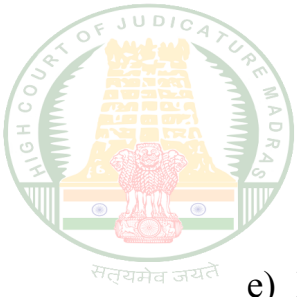


W.P.No.32594 of 2025

WEB COPY

6. By consent of both parties, the writ petition stands disposed of on the following terms:

- a) The impugned order dated 14.11.2023 is set aside.
- b) The petitioner shall deposit 25% of the disputed taxes as agreed to by both the learned counsel for the petitioner and the respondent, within a period of four weeks from the date of uploading of web copy without waiting for the receipt of the certified copy.
- c) If any amount has been recovered or paid out of the disputed taxes, including by way of pre-deposit in appeal, the same would be reduced/adjusted, from/towards the 25% of disputed taxes directed to be paid. The assessing authority shall then intimate the balance amount out of 25 % of disputed taxes to be paid, if any, within a period of one week from the date of uploading of web copy without waiting for the receipt of the certified copy. The petitioner shall deposit such remaining sum within a period of three weeks from such intimation.
- d) Failure to comply with the above condition viz., payment of 25% of disputed taxes within the stipulated period i.e., four weeks from the date of uploading of web copy of this order, shall result in restoration of the impugned order.



W.P.No.32594 of 2025

WEB COPY

e) If there is any recovery by way of attachment of Bank account or garnishee proceedings, the same shall be lifted /withdrawn on complying with the above condition viz., payment of 25 % of the disputed taxes.

f) On complying with the above condition, the impugned order of assessment shall be treated as show cause notice and the petitioner shall submit its objections within a period of four (4) weeks from the date of compliance of the conditions relating to deposit in Clause (b) and (c) supra, along with supporting documents/material. If any such objections are filed, the same shall be considered by the respondent and orders shall be passed in accordance with law after affording a reasonable opportunity of hearing to the petitioner. It is made clear that if the above conditions viz., payment of 25% of disputed taxes is not complied or objections are not filed within the stipulated time as stated above the impugned order of assessment shall stand restored.

7. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.09.2025



W.P.No.32594 of 2025

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Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

Deputy State Tax Officer I,
Panruti Rural,
Commercial Taxes Department,
Government of Tamil Nadu

MOHAMMED SHAFFIQ, J.

(mrn)



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W.P.No.32594 of 2025

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