



W.P.No.32496 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.32496 of 2025
and WMP No.36422 of 2025

GLOBAL SCIENTIFICS

Rep by its Accounts Manager

Mr.Anish Kumar K.S

GSTIN.33FPLPS8170E1ZI

Plot No.115A, Boomishwaran Koil Street

ECR Main Road, Karipalayam

Marakkanam Taluk,

Villupuram 605 110

: Petitioner

Vs

1.The Deputy State Tax Officer,
Tindivanam Assessment Circle
Villupuram Zone, Cuddalore Division.

2.The Appellate Authority
Deputy Commissioner (Appeal) (GST) No.4
Barathiyar Salai Fort Round Road
Vellore- 632 001

: respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus calling for the records relating to the impugned Order bearing Reference No.ZD330225018146U dated 03/02/2025 passed by the first respondent, quash the same and consequently direct the second respondent to accept petitioner appeal and dispose of the same on merits.

For Petitioner : Mr.Saravanan, A.



W.P.No.32496 of 2025

WEB COPY

For respondents : Mr.T.N.C.Kaushik,
Additional Government Pleader (Taxes)

ORDER

The present writ petition is filed challenging the impugned order dated 03.02.2025 relating to the assessment year 2020-21.

2. It is submitted by the learned counsel for the petitioner that petitioner is a registered company under the Goods and Services Tax Act, 2017. During the relevant period 2020-2021, the petitioner filed its returns and paid the appropriate taxes. However, on verification of the returns the following discrepancies were *inter-alia* noticed:

i) Net tax under declared due to non-reconciliation of turnover in other returns and E-way bill information.

ii) Mismatch between GSTR 2A and GSTR

iii) Excess claim of Input Tax Credit

3. Pursuant thereto, a notice in DRC-01 was issued on 25.11.2024, followed



W.P.No.32496 of 2025

WEB COPY

by three reminder notices dated 30.12.2024, 10.01.2025 and 21.01.2025. 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 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%

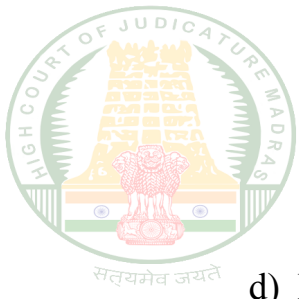


W.P.No.32496 of 2025

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 respondents does not have any serious objection.

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

- a) The impugned order dated 03.02.2025 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 respondents, 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.



W.P.No.32496 of 2025

WEB COPY

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.

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 first 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



W.P.No.32496 of 2025

miscellaneous petition is closed.

WEB COPY

01.09.2025

Speaking (or) Non Speaking Order

Neutral Citation: Yes/No

mrn

To

1.The Deputy State Tax Officer,
Tindivanam Assessment Circle
Villupuram Zone, Cuddalore Division.

2.The Appellate Authority
Deputy Commissioner (Appeal) (GST) No.4
Barathiyar Salai Fort Round Road
Vellore- 632 001



WEB COPY



W.P.No.32496 of 2025

MOHAMMED SHAFFIQ, J.

(mrn)

W.P.No.32496 of 2025

01.09.2025