IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.08.2025
Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.32092 of 2025
and
W.M.P.Nos.35977, 35978 & 35982 of 2025

Tvl Mohanraj Travels
Represented by its Proprietor Mr.A.M. Muthu Kumar
No.4/1 Achuthan Nagar, 3rd Street
Ekkattuthangal Chennai 600032. ...Petitioner

Vs.

1 The State Tax Officer (ST)
Commercial Taxes and Reg. Dept.(South Tower)
Room No.306, III Floor, Government Farm
Village Nandanam Chennai-600 035

2 The Assistant Commissioner
Ekkattuthangal Assessment Circle Room No.
305 3rd Floor Integerated Building of
Commercial Taxes And Registration Department
Nandanam Chennai 35

3 The Manager
Indian Overseas Bank IFSC CODE IOBA0001085
Plot No.32 Defence Officers Colony
Ekkattuthangal Chennai 600097. ...Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for records on the files of the 1st Respondent in FORM GST DRC-07 with Reference No. ZD330125187824A dated 22.01.2025 along with annexure in GSTIN /33BHYPM4374D1Z0 / 2020-21 dated 22.01.2025 for the assessment period APR 2020 to MAR 2021 and quash the same and to quash the same.

For Petitioner	:	M/s.Siri Chandana for Mr.A.P.Karventhan
For Respondents 1 & 2	:	Ms.Amirta Poonkodi Dinakaran Government Advocate (T)

Order

Heard M/s.Siri Chandana, learned counsel appearing for the petitioner and Ms.Amirta Poonkodi Dinakaran, learned Government Advocate (T) who takes notice on behalf of the respondents 1 and 2. Considering the nature of relief that is to be granted herein, notice to the third respondent is dispensed with and the main Writ Petition is taken up for final disposal at the stage of admission itself.

2. The challenge in this Writ Petition is to the order passed by the first respondent dated 22.01.2025 along with annexure dated 22.01.2025 for the assessment period APR 2020 to MAR 2021 and to quash the same.

3. M/s. Siri Chandana, learned counsel appearing for the petitioner would submit that a show cause notice was issued by the first respondent dated 13.09.2024, through RPAD, to which, the petitioner, vide a formal reply dated 18.10.2024, sought for time to file a detailed reply, pursuant to which, the first respondent sent a notice through RPAD providing time till 24.12.2025 to file reply, unfortunately, the petitioner was not able to file within the prescribed time, however, the first respondent proceeded to confirm the proposals contained in the show cause notice and passed the assessment order and challenging the same, the present Writ Petition is filed.

3.1 The learned counsel for the petitioner would submit that the petitioner has studied only upto 9th standard and used to file returns personally without any professional assistance; that as the petitioner has no knowledge as regards the procedures to be followed in GST compliances, the petitioner was not in a position to file a detailed reply, however, vide a formal reply dated 18.10.2024 requested to grant time to file detailed reply, and despite time was granted by the first respondent for filing reply, due to lack of knowledge, the petitioner was not in a position to file reply within the time stipulated by the first respondent. Therefore, the learned counsel submitted that if one more opportunity is granted to the petitioner to file reply, the petitioner would engage a Consultant and would file reply within the time as stipulated by this Court and prays for appropriate orders. Further, it is submitted that the petitioner is ready and willing to deposit 25% of the disputed tax, in the event, this Court is inclined to set aside the impugned order and remands the matter back to the respondent-Authority for fresh consideration, and an endorsement as regards the petitioner's willingness to pay 25% of the disputed tax is also made by the learned counsel for the petitioner in the Writ Petition today.

4. Ms.Amirta Dinakaran, learned Government Advocate for respondents 1 and 2 would submit that since the petitioner has come forward to deposit 25% of the disputed tax in the event of the impugned order being set aside, the prayer sought for by the petitioner may be considered and appropriate orders may be passed.

5. I have given due consideration to the submissions made on either side and perused the materials available on record.

6. The petitioner is a small transport service provider, with limited education, as the petitioner has studied only upto 9th STD. However, the petitioner used to file returns without any professional assistance. All of a sudden, the petitioner has been with a show cause notice by the first respondent via RPAD, and the petitioner, having possessed petty knowledge, was not able to file a detailed reply on receipt of show cause notice, however, vide a formal reply dated 18.10.2024 requested time to file a detailed reply. Despite the fact that the first respondent having granted time, the petitioner, due to his lack of legal expertise and inadequate understanding of the Portal functionalities, was not able to file within the time stipulated by the first respondent. However, since no reply was forthcoming from the petitioner, the first respondent passed the impugned order.

6.1 Thus, this Court does not find any fault on the decision making process of the first respondent in passing the impugned assessment order. At the same time, what has to be looked into in the present case is that, whether, the act of non-filing reply and non-appearance during the personal hearing date on the part of the petitioner is wilful or wanton.

6.2 The petitioner is an individual with formal education upto 9th STD and has no professional qualification in taxation or legal matters, despite his limited educational background, he was in the habit of independently managing the GST portal for his business, including filing returns and responding to notice to the best of his ability. Since, all of a sudden, the petitioner has been slapped with the tax demand via. show cause notice, the petitioner was unable to respond to such notice immediately.

6.3. Thus, this Court considering the fact that the lapse on the part of the petitioner in not filing reply and non-participation in the proceedings was purely inadvertent and not intentional, coupled with the further fact that the failure to approach this Court in time, too, is not due to negligence, as the assessment orders itself were discovered only in the first week of July,2025 on being informed by the second respondent over phone as regards the bank attachment, is inclined to give one more opportunity to the petitioner to file reply and participate in the proceedings, however, subject to certain terms, as agreed upon by the petitioner.

6.4 Accordingly, this Court pass the following the orders/directions:-

i) The order passed by the first respondent dated 22.01.2025 along with annexure dated 22.01.2025 for the assessment period APR 2020 to MAR 2021 is set aside. Consequently, the matter is remanded to the first respondent for fresh consideration.

ii) The endorsement made by the learned counsel for the petitioner as regards the petitioner's willingness to pay 25% of the disputed tax is recorded. The petitioner is granted three weeks' time to ake such payment, which shall take effect from the date of receipt of a copy of this order.

iii) Thereafter, the petitioner is directed to file a reply along with supportive documents within a period of three weeks.

iv) Thereupon, the first respondent is directed to consider the reply and affording an opportunity of personal hearing to the petitioner and shall decide the matter in accordance with law.

and

v) So far as the bank attachment order is concerned, upon production of proof with regard to the payment of 25% of the disputed tax made by the petitioner, respondent-Department is directed to issue appropriate direction on the petitioner's banker towards de-freezure of the petitioner's bank account forthwith and permit the petitioner to operate the bank account.

7. In the result, the Writ Petition is disposed of on the aforesaid terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

22.08.2025

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Index : yes/no
Neutral Citation : yes/no

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Krishnan Ramasamy,J.,

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