IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.32180 of 2025
and
W.M.P.Nos.36066, 36068 & 36069 of 2025

Tvl P Kumar
Represented by its Authorised Signatory P.Kumar,
Sf.No. 270/1A, Near Library,
Mariamman Kovil Street, Arakkankottai,
Erode-638506.

...Petitioner

Vs.

1. The Deputy State tax officer II
Office Of The Deputy Commercial Tax Officer,
Sathiyamangalam Assessmetn Cirlce,
Erode.

2.The Bank Manager
State Bank Of India,
T.N.Palayam,636506.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings passed by the 1st Respondent in the Order vide GSTIN: 33DXQPK8250L2ZU/2021-22 dated 16.09.2024 along with consequential proceeding under section 73 of the act through Form GST DRC -07 vide reference number: ZD330924107221U dated 16.09.2024 for the Assessment Year 2021 -22, and to quash the same and further direct the 1st Respondent to issue appropriate instruction to the 2nd Respondent Bank for lifting the Bank Attachment dated 25.06.2025 so far as for the impugned order in GSTIN: 33DXQPK8250L2ZU/2021-22 dated 16.09.2024.

For Petitioner: Ms.R.Hemalatha

For Respondents : Ms.Amirthapoonkodi Dinakaran
Government Advocate (Taxes)

ORDER

Ms.Amirthapoonkodi Dinakaran, learned Government Advocate (Taxes), takes notice on behalf of the respondents. With consent, 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 dated 16.09.2024 passed by the 1st respondent and to quash the same and direct the 1st respondent to issue appropriate instruction to the 2nd Respondent Bank for lifting the Bank Attachment dated 25.06.2025 so far as for the impugned order in GSTIN: 33DXQPK8250L2ZU/2021-22 dated 16.09.2024.

3. The learned counsel for the petitioner would submit that the 1st respondent has issued a show cause notice on 29.05.2024 followed by reminder notice dated 05.07.2024. Subsequently, the petitioner attended the personal hearing on 12.07.2024 and sought time for filing filing the reply along with the required documents, as they are under the process of collecting the required documents. Subsequently, without considering the request of the petitioner the 1st respondent has confirmed the proposals contained in the show cause notice and passed the present impugned assessment order along with demand order. Therefore, the learned counsel would submit that the impugned order suffers from violation of principles of natural justice and are liable to be aside, as the petitioner has not been heard before passing the impugned order. Subsequently, the 1st respondent has passed an bank attachment order dated 25.06.2025.

3.1. It is also submitted by the learned counsel for the petitioner 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 assesement order and remand the matter back to the Authority for fresh consideration. He had also made an endorsement to that effect. He would further submit that the bank attachment may be lifted, subject to the payment of 25% of the disputed tax. Hence, he prayed for appropriate directions.

4. The learned Government Advocate (Taxes) for the respondent would submit that though the showcause notice followed by reminder notice were issued to the petitioner, the petitioner neither filed its reply nor appeared for personal hearing. Under such circumstances, assesement order has been passed. However, he would fairly submit that since the petitioner has voluntarily come forward to deposit 25% of the disputed tax, the prayer sought for by the petitioner may be considered.

5. It is stated by the petitioner that though the petitioner attended the personal hearing and sought time to file reply along with required documents, the 1st respondent has passed the impugned assessment order without considering the request made by the petitioner. It is the case of the respondent that despite opportunities being given to the petitioner, the petitioner failed to submit its reply and also appear for personal hearing. However, in the interest of justice and in order to give one more opportunity to the petitioner to substantiate its case, this Court is inclined to set-aside the impugned orders with terms, by issuing the following directions:-

i) The order impugned herein is set aside.

ii)Consequently, the matter is remanded to the 1st respondent for fresh consideration.

iii) The petitioner is granted liberty to deposit 25% of the disputed tax, which the petitioner themselves had voluntarily came forward to make such payment, within a period of two weeks from the date of receipt of a copy of this order.

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

v) Thereupon, the respondent is directed to consider the reply and shall issue a 14 clear days notice affording an opportunity of personal hearing to the petitioner and shall decide the matter in accordance with law.

vi) Upon production of proof with regard to the payment of 25% of the disputed tax made by the petitioner, the 2nd respondent-bank is directed to de-freeze the petitioner's bank account forthwith.

6. With the above observations & directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.08.2025

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Index : yes/no
Neutral Citation : yes/no

To

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2.The Bank Manager
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Krishnan Ramasamy,J.,

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