IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2025

Coram:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.33082 of 2025
and W.M.P.Nos.37142 & 37143 of 2025

Tvl.Bisnuchem (India) Private Limited
(Represented by its Executive Director),
No.14, Old No.8, Sea View Tower,
Rulters Lane Harbour Exchange 600 001.

...Petitioner

Versus

Proper Officer,
State Tax Officer,
Muthialpet Assessment Circle,
Integrated Commercial Taxes Office Complex,
Chennai – 3.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records on the files of the respondent in DRC 07 vide Reference Number 33AABCB1991M1ZK dated 29.11.2022 along with its summary of the Order dated 30.11.2022 and quash the same.

For Petitioner	:	Mr.N.Prasad
For Respondent	:	Ms.Amirta Poonkodi Dinakaran, Government Advocate (Tax)

ORDER

Ms.Amirta Poonkodi Dinakaran, learned Government Advocate (Tax) takes notice for the respondent.

2. The present writ petition has been filed by the petitioner challenging the Assessment Order dated 29.11.2022 and Summary of the Order in Form GST DRC 07 dated 30.11.2022 passed by the respondent.

3. The brief facts of the case are that the petitioner company is involved in the activity of trading in duty credit crips. The petitioner has been duly filing their returns and paying all the statutory taxes. However, on scrutiny of returns filed by the petitioner for the Financial Year 2017-18, it was found that the petitioner availed excess Input Tax Credit in GSTR-3B as compared to GSTR-2A. Hence, the respondent issued Form GST DRC-01A dated 13.07.2022 and a Show Cause Notice in Form GST DRC-01 dated 01.08.2022. However, the petitioner neither replied to the Show Cause Notice nor appeared for personal hearing. Therefore, the respondent had passed the Assessment Order dated 29.11.2022 along with Summary of the Order in Form GST DRC 07 dated 30.11.2022, confirming the demands

proposed in the Show Cause Notice and directing the petitioner to pay the demand of Rs.24,93,700/- comprising tax, interest and penalty. Subsequently, the respondent had passed another Assessment Order dated 24.01.2023 for the very same Assessment Year 2017-18. Challenging the Assessment Order dated 24.01.2023, the petitioner had preferred an Appeal dated 21.04.2023 before the Deputy Commissioner (ST) GST Appeal – 1, Chennai. While the said Appeal is pending, the respondent has issued a Recovery Notice dated 01.08.2025, directing the petitioner pay the tax dues for the tax period July 2017 to March 2018. Hence, the petitioner has filed the present writ petition.

4. The learned counsel for the petitioner submitted that the petitioner preferred an Appeal as against the Assessment Order dated 24.01.2023 and at the time of filing the Appeal, the petitioner had pre-deposited 10% of the disputed tax amount consequent to the Assessment Order dated 24.01.2023. Subsequent to the filing of said Appeal, the petitioner was issued with Recovery Notice dated 01.08.2025. Only thereafter, the petitioner came to know that an Assessment Order dated 29.11.2022 and Summary of the Order in Form GST DRC-07 dated 30.11.2022 had already been passed for

the very same Assessment Year 2017-18.

4.1. It is further submitted by the learned counsel for the petitioner that the entire tax amount arising out of the Assessment Order dated 29.11.2022 had been debited from the petitioner's Electronic Credit Ledger on 19.01.2023.

4.2. The learned counsel for the petitioner also submitted that it is apparent from the face of records that there is duplication of demands. The respondent had passed two assessment orders on the same issues for the very same year. The petitioner is pursuing their appellate remedy against the Assessment Order dated 24.01.2023. Therefore, the learned counsel for the petitioner submitted that the impugned Assessment Order dated 29.11.2022 and Summary of the Order in Form GST DRC-07 dated 30.11.2022 passed by the respondent cannot be sustained as the same are *non est*.

5. The learned Government Advocate (Tax) appearing for the respondent submitted that the respondent-Department had debited money

from the petitioner's Electronic Credit Ledger towards the tax dues arising out of the Assessment Order dated 29.11.2022.

6. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel on both sides, this Court is inclined to dispose of this Writ Petition on the following terms:

(i) The impugned Assessment Order dated 29.11.2022 and Summary of the Order in Form GST DRC-07 dated 30.11.2022 passed by the respondent are quashed.

(ii) The Appellate Authority viz., Deputy Commissioner (ST) GST Appeal – 1, Chennai is directed to dispose of the petitioner's Appeal dated 21.04.2023 challenging the order dated 24.01.2023, on merits and in accordance with law, within a period of three months from the date of uploading of web copy of this order without waiting for the receipt of a certified copy of this order.

(iii) Since the entire tax amount attributable to the Assessment Order dated 29.11.2022 had already been recovered from the petitioner, the respondent-Department shall not initiate any recovery proceedings against the petitioner, till the disposal of petitioner's Appeal dated 21.04.2023.

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

11.09.2025

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order

To

Proper Officer,
State Tax Officer,
Muthialpet Assessment Circle,
Integrated Commercial Taxes Office Complex,
Chennai – 3.

MOHAMMED SHAFFIQ, J.

mrr

W.P.No.33082 of 2025

11.09.2025