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W.P. No.33975 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.33975 of 2025

and

W.M.P.No.38127 of 2025

Selvam Agencies,
(Rep. by its Proprietor Meganathan Sri Ram)
5th Cross Street, Flat No.2, Vignesh Nagar,
Kurunji Street, Nemilicherry – Chrompet,
Chennai, Tamil Nadu 600 044. .. Petitioner

Vs.

Deputy Commercial Tax Officer,
Madipakkam Assessment Circle,
Integrated Commercial Taxes and
Registration Department Building,
Anna Salai, Chennai 600 035. .. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in the Impugned Order Ref Number ZD331223184572J dated 23.12.2023, passed by the Respondent, quash the same and direct the Respondent grant fresh opportunity.

For Petitioner : Ms.Renuka

For Respondent : Mr.Harsha C.Raj



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Special Government Pleader

ORDER

By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. The present writ petition is filed challenging the impugned order dated 23.12.2023 relating to the assessment year 2017-18.

3. It is submitted by the learned counsel for the petitioner that the petitioner is engaged in the business of whole sale and retail business and is registered under the Goods and Services Tax Act, 2017. During the relevant period of 2017-18, petitioner filed its returns and paid the appropriate taxes. However, on verification of the returns it was *inter-alia* noticed that there was Input Tax Credit mismatch between GSTR 3B and GSTR 2A.

4. Pursuant thereto, a notice in DRC-01A was issued to the petitioner on 21.09.2023, followed by a notice in DRC-01 dated 26.09.2023. Thereafter, three reminder notices dated 01.11.2023,



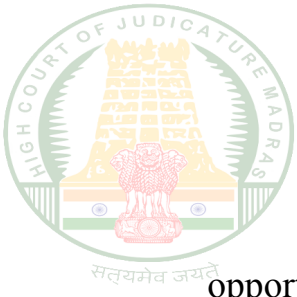
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20.11.2023 and 01.12.2023 were issued to the petitioner with personal hearing on 06.11.2023 and 04.12.2023. However, petitioner had not responded to any of the above notices, the impugned order was thus passed confirming the proposal. It is submitted by the learned counsel for the petitioner that petitioner was not aware of any of the above notices sent by respondent on the GST Portal, as their registration was cancelled vide order dated 13.11.2020. It is further 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 discrepancy.

5. 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.

6. 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



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opportunity before the adjudicating authority to put forth their objections to the proposal, to which the learned Special Government Pleader appearing for the respondent does not have any serious objection.

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

- a) The impugned order dated 23.12.2023 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.



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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 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.



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8. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Speaking (or) Non Speaking Order

Index: Yes/No

Neutral Citation: Yes/No

spp

To:

Deputy Commercial Tax Officer,
Madipakkam Assessment Circle,
Integrated Commercial Taxes and
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MOHAMMED SHAFFIQ, J.

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