IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.09.2025

Coram:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.33118 of 2025
and W.M.P.Nos.37196, 37198 & 37200 of 2025

M/s.OPRL BIOSCIENCES
PRIVATE LIMITED,
No.3/5, 3rd Cross Street,
Vigneshwara Nagar, Ullagaram,
Madipakkam, Chennai – 600 091,
Rep. by its Director

...Petitioner

Versus

1.The Superintendent of
GST & Central Excise,
Range – I, Pallikaranai Division,
Chennai South Commissionerate,
No.692, 7th Floor, MHU Complex,
Anna Salai, Nandanam,
Chennai – 600 035.

2.ICICI Bank Ltd.,
Rep. by its Branch Manager,
Madipakkam Branch,
No.33/4, Medavakkam Main Road,
Madipakkam Koot Road, Madipakkam,
Chennai,
Tamil Nadu – 600 091.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records culminating Order bearing DIN: 20250259TL000000C640 dated 25.02.2025 passed by the 1st respondent and quash the same.

For Petitioner	:	Mr.K.Chandrasekaran
For Respondent – 1	:	Mr.K.S.Ramasamy, Senior Standing Counsel
For Respondent – 2	:	Mr.S.Krishna for Acuity Law Associates

ORDER

Mr.K.S.Ramasamy, learned Senior Standing Counsel takes notice for 1st respondent and Mr.S.Krishna, learned counsel takes notice for 2nd respondent.

2. The present writ petition has been filed by the petitioner challenging the Order-in-Original No.31/2025-GST(Supdt.)(R-I) dated 25.02.2025 passed by 1st respondent.

3. The learned counsel for the petitioner submitted that the petitioner is engaged in the business of manufacturing and supply of bioscience-based products. The petitioner has been duly filing their returns and paying all the statutory taxes. However, on scrutiny of the returns filed by the petitioner

for the year 2020-21, following discrepancies were *inter-alia* noticed:

(i) Short payment of IGST for Rs.209/- due to difference in tax liability of GSTR3B as compared to the tax liability declared in GSTR-1 for the period of April, 2020 to March, 2021

(ii) Excess availment and utilization of ITC through GSTR-3B which are not reflected in GSTR-2A during the period from April 2020 to March 2021

(iii) RCM Vs. GSTR – 3B

(iv) Ineligible ITC availed in respect of invoices/debit notes issued by the suppliers who have not filed their GSTR-3B returns for the relevant tax period

(v) Reversals of ITC in accordance with provisions of Rule 42 and Rule 43 of the CGST Rules

(vi) Interest liability in terms of Section 50

(vii) Wrong availment of Input Tax Credit blocked under Section 17(5) of CGST Act, 2017

(viii) Non payment of late fee in terms of Section 47 of CGST Act, 2017

Hence, 1st respondent issued a Intimation Letter in Form GST DRC-01A dated 07.11.2024, in response to which, the petitioner sent a Letter dated 16.11.2024 to 1st respondent, requesting additional time to review the alleged discrepancies and to reconcile the accounts. However, without considering the petitioner's request, 1st respondent issued a Show Cause

Notice in Form GST DRC-01 dated 25.11.2024, to which, the petitioner submitted their detailed Reply in Form GST DRC-06 on 07.01.2025. After the receipt of petitioner's reply, 1st respondent has passed the Order-in-Original No.31/2025-GST(Supdt.)(R-I) dated 25.02.2025, confirming the demands proposed in the Show Cause Notice and directing the petitioner to pay the demand of Rs.5,79,848/- comprising tax, interest, penalty and late fee. Subsequently, 1st respondent has issued a Bank Attachment Notice to 2nd respondent (petitioner's Banker) seeking to recover a sum of Rs.5,79,848/- from the petitioner's Bank Account towards the tax dues arising out of the impugned order of assessment, pursuant to which, 2nd respondent has freezed the petitioner's Bank Account. The impugned order suffers from non-application of mind and stands vitiated.

3.1. The learned counsel for the petitioner has placed reliance on the order passed by 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 in similar circumstances, this Court has remanded the matter back to the respondent, subject to the payment of 25% of the disputed tax by the petitioner therein.

3.2. The learned counsel for the petitioner further submitted that the petitioner is ready and willing to pay 25% of the disputed tax amount and that on such payment, attachment made in petitioner's Bank Account may be ordered to be lifted and one final opportunity may be granted to the petitioner to put forth their objections to the proposal before the Adjudicating Authority, to which, the learned Senior Standing Counsel appearing for 1st respondent does not have any serious objection.

4. By consent of learned counsel for the petitioner and learned Senior Standing Counsel for 1st respondent, this Writ Petition stands disposed of on the following terms:

(a) The impugned Order-in-Original No.31/2025-GST(Supdt.)(R-I) dated 25.02.2025 passed by 1st respondent is quashed.

(b) The petitioner shall deposit 25% of the disputed tax as agreed by the learned counsel for the petitioner, within a period of four weeks from the date of uploading of web copy of this order without waiting for the receipt of a certified copy of this order.

(c) If any amount has been recovered or paid out of the disputed tax, 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 intimate the balance amount out of 25% of disputed tax to be paid, if any, within a period of one week from the date of uploading of web copy of this order without waiting for the receipt of a certified copy of this order. The petitioner shall deposit such remaining sum, within a period of three weeks from such intimation.

(d) Failure to comply with the above condition viz., payment of 25% of disputed tax within a period of 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 that the petitioner shall pay 25% of the disputed tax, within a period of four weeks from the date of uploading of web copy of this order.

(f) On complying with the above condition, the impugned order of assessment shall be treated as Show Cause Notice and the petitioner shall submit their objections along with supporting documents/material, within a period of four weeks from the date of compliance of the conditions relating to deposit in Clauses (b) and (c) *supra*. If any such objections are filed, 1st respondent shall consider the same and pass orders, in accordance with law, after affording a reasonable opportunity of hearing to the petitioner.

(g) It is made clear that if the above conditions viz., payment of 25% of disputed tax is not complied or objections are not filed within the stipulated time as stated above, the impugned order of assessment shall stand restored.

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

10.09.2025

mrr
Index : Yes/No
Speaking Order (or) Non-Speaking Order

To

1.The Superintendent of GST & Central Excise,
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2.The Branch Manager,
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MOHAMMED SHAFFIQ, J.

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