IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.32951 of 2025
and
W.M.P.Nos.36951 & 36953 of 2025

Tvl.MiTechno Plast Pvt.Ltd.,
Represented by its Authorized Signatory Punithkumar,
Shed No.1, Survey No.18/1B,
Village-Anumepalli,
Begapalli Road, Zuzuvadi Sipcot,
Hosur-635126. ... Petitioner

Vs.

The State Tax Officer (FAC),
Roving Squad-1,
Hosur Intelligence Division, Hosur-635 109. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the of impugned order in Form GST MOV-09 dated 11.06.2025 with Ref.No.0604/25-26/RS1/HSR issued by the respondent and quash the same and pass orders.

For Petitioner(s) : Mr.Adithya Reddy

For Respondent(s) : Mrs.P.Selvi
Government Advocate

ORDER

The present petition is filed challenging the proceedings dated 11.06.2025 on the premise that it is contrary to Circular No.10/2019 dated 31.05.2019.

2. Petitioner is a private limited company incorporated under the Companies Act, 2013 and a registered taxable dealer under CGST/TNGST Act 2017. Petitioner filed its returns and had also remitted taxes. On, 03.06.2025, petitioner transported goods from its unit in Hosur, Tamil Nadu to its other Branch at Pune, Maharashtra in vehicle bearing Registration No.MH 46 BO 9495. The above consignment was accompanied by a valid physical invoice dated 02.06.2025 and a valid E-Way Bill No.2419 7222 7756. During transit, the vehicle was intercepted by the respondent and proceedings were initiated under Section 129 of the CGST Act, 2017 inasmuch as the above goods were not accompanied by valid E-invoice.

3. It is submitted by the learned counsel for petitioner that the above E-invoice was not generated due to inadvertence. In any view, he would submit that petitioner had duly generated a valid E-way Bill and tax invoice. However, the impugned order came to be passed levying maximum penalty of 200 % of the taxes that are leviable.

4. It is submitted that levy of maximum penalty under Section 129 could be invoked in terms of Circular No.10 only when the goods are transported without any prescribed documents like invoice, delivery challan, E-way bill, etc. However, in the present case, there was a valid Eway bill. He would thus submit that even in terms of the above circular, maximum penalty may not be warranted. However, the impugned proceedings imposes a maximum penalty of 200 % without applying its mind. This is clearly contrary to the above circular and thus unsustainable.

5. Learned Government Advocate, Ms.Selvi would submit that the petitioner had not even chosen to respond to the notice that was issued and she would thus submit that petitioner's ought to be put on terms.

6. In view thereof, this court is inclined to dispose of the writ petition with following directions:

i) Petitioner shall pay 25 % of the demand raised as per the impugned order (Rs.19,89,000/-).

ii) On such payment, respondent shall pass orders, after providing an opportunity of hearing to the petitioner, within a period of two weeks from the date of such payment.

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

12.09.2025

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation: Yes/No
mrn

To:

The State Tax Officer (FAC),
Roving Squad-1,
Hosur Intelligence Division, Hosur – 635 109.

MOHAMMED SHAFFIQ, J.

mrn

W.P.No.32951 of 2025

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