IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.32191, 32194 and 32202 of 2024
and
W.M.P.Nos.34952, 34964 and 34973 of 2024

M/s.UB Cotton Private Limited,
Represented by its Authorised Signatory
Thangapandian ... Petitioner in all W.Ps

Vs.

1.Commercial Tax Officer,
Tiruppur, Tamil Nadu,
Dr.Balasundaram Road, ATT Colony,
Gopalapuram, Pappanaickenpalayam,
Coimbatore, Tamil Nadu – 641 018.

2.State Tax Officer (Intelligence),
Data Analytics Unit,
Office of the Joint Commissioner (ST) (Intelligence),
Tiruppur Division,
Tiruppur at Avinashi.

3.Office of the Assistant Commissioner (ST) (FAC),
Tiruppur Central II Circle,
No.16, Emperor Building,
Ground Floor, Indira Nagar,
1st Street, Avinashi Road,
Tiruppur – 641 603.

4.State Tax Officer,
Inspection Group III,
Office of the Joint Commissioner (ST),
Intelligence Wing – Tiruppur,
APEC Building, No.5/147,
Kaikattipudhur, Tiruppur Main Road,
Avinashi – 641 654. ... Respondents in all W.Ps

Prayer in W.P.No.32191 of 2024: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records leading to the Impugned Notice dated 06.08.2024 issued by the 3rd Respondent for the Year 2020-2021, quash the same and consequently forbear the Respondents from initiating any recovery proceedings consequent to the order dated 30.07.2024.

Prayer in W.P.No.32194 of 2024: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records leading to the Impugned Order vide Reference No.33AAACU5526C1ZS/2020-2021 dated 30.07.2024 passed by the 2nd Respondent, quash the same and consequently forbear the Respondents from initiating any recovery proceedings consequent to the Order dated 30.07.2024.

Prayer in W.P.No.32202 of 2024: Writ Petition filed under Article 226 of the

Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records leading to the Impugned Order vide Reference No.33AAACU5526C1ZS/2021-2022 dated 30.07.2024 passed by the 2nd Respondent, quash the same and consequently forbear the Respondents from initiating any recovery proceedings consequent to the Order dated 30.07.2024.

For Petitioner (In all W.Ps)	:	Mr.P.Giridharan
For Respondents (In all W.Ps)	:	Mr.V.Prashanth Kiran Government Advocate

COMMON ORDER

In these Writ Petitions, the Petitioner has challenged the impugned Orders and the Recovery Notices issued to the Petitioner. The impugned Orders had been passed under Section 73 and Section 74 of the respective GST enactments.

2. These cases were listed along with batch of Writ Petitions wherein the challenge was to the proceedings initiated and confirmed under Section 74 of the respective GST enactments. However, these cases were detagged from the batch and heard together at the request of the counsels who appear for either side.

3. In W.P.Nos.32194 and 32202 of 2024, the Petitioner has challenged the impugned Orders both dated 30.07.2024 passed by the 2nd Respondent whereby tax, interest and penalty have been imposed against the Petitioner in response to the Show Cause Notices issued on 05.03.2024 as detailed below:-

W.P.No.	**Assessment Year**	**Notice in DRC-01**	**IGST**	**CGST and SGST (In Rs.)**	**Interest at 18% (In Rs.)**	**Penalty (In Rs.)**
32194 of 2024	2020-2021	05.03.2024	---	1,60,22,496 (Rs.80,11,248/- each)	94,42,298 (Rs.47,21,149/- each)	16,57,144 (Rs.8,28,572/- each)
32202 of 2024	2021-2022	05.03.2024	6,882	85,40,962 (Rs.42,70,481/- each)	33,84,815 [(Rs.16,90,999/- for each CGST and SGST) and (Rs.2,817/- for IGST)]	4,25,960 [(Rs.2,02,980 /- for each CGST and SGST) and (Rs.20,000/- for IGST)]

4. In W.P.No.32191 of 2024, the Petitioner has challenged the impugned Notice dated 06.08.2024 issued by the 3rd Respondent in respect of the purported arrears of tax due from the Petitioner for the Tax Period between April 2020 and March 2021. Though a similar Demand Notice for the assessment year April 2021- March 2022 has been issued on 06.08.2024, it has not been challenged directly.

5. As per the aforesaid Notices, the tax arrears of the Petitioner for the

aforesaid Tax Periods have been determined as follows:-

Act	U/S	Year	Date of Order	IGST	CGST	SGST	TOTAL
GST	73	APR-2020 to MAR-2021	30/07/2024	0	1,35,60,969	1,35,60,969	2,71,21,938
GST	73	APR-2021 to MAR-2022	30/07/2024	29,699	61,64,460	61,64,460	1,23,58,619

6. The learned counsel for the Petitioner however had attempted to state that no case was made out for invoking extended period of limitation in the Show Cause Notices and therefore the impugned Orders both dated 30.07.2024 passed by the 2nd Respondent are liable to be quashed.

7. It is noticed that the Petitioner's Reply to the Show Cause Notices is not in detail. It is skeletal reply. The Petitioner has not clearly assailed in the allegations in the respective Show Cause Notices for the Officer to come to a conclusion as to whether the case was made out against the Petitioner either to pass an order under Section 73 and / or under Section 74 of the respective GST enactments. There is no clear explanation forthcoming either in the affidavit or in the counter.

8. It is noticed that the Petitioner has approached this Court almost immediately after the impugned Assessment Orders were passed under a *bona*

fide impression that the Petitioner may stand a chance to succeed before this Court.

9. The records however reveal that there is no scope for quashing the demand confirmed in the impugned Orders based on the averments in the affidavit filed in support of W.P.Nos.32194 and 32202 of 2024.

10. Therefore, the impugned Orders are quashed and the cases are remitted back to the 2nd Respondent to pass a fresh orders on merits for the respective period, subject to the Petitioner depositing 25% of the disputed tax in cash from the Petitioner's Electronic Cash Register within a period of thirty (30) days from the date of receipt of a copy of this order.

11. Within such time, the Petitioner shall also file a reply to the respective Show Cause Notices in GST DRC-01 together with requisite documents to substantiate the case by treating the impugned Orders dated 30.07.2024 as an addendum to the Show Cause Notices dated 05.03.2024.

12. In case the Petitioner complies with the above stipulations, the 2nd

Respondent shall proceed to pass a final order on merits and in accordance with law as expeditiously as possible, preferably, within a period of three (3) months of such reply/pre-deposit. Subject to the Petitioner complying with the above stipulations, the attachment of the bank account of the Petitioner shall also stand automatically raised/vacated.

13. In case the Petitioner fails to comply with any of the stipulations, the 2nd Respondent is at liberty to proceed against the Petitioner to recover the tax in accordance with law as if these Writ Petitions were dismissed *in limine* today.

14. Needless to state, before passing any such order, the 2nd Respondent shall give due notice to the Petitioner.

15. These Writ Petitions stand disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

15.10.2025

Neutral Citation : Yes / No

vsg / arb

To:

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C.SARAVANAN, J.

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