IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-09-2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 33772 of 2025
and
WMP.Nos. 37896 & 37899 of 2025

Tvl. K.R.R. Hi Tech
Representsd by its proprietor
Mr.Karattadipalayam Rangaswamy Ramaswamy
Survey No.399/2A2B and 399/5A5B,
Padur Main Road, Kuthambakkam Village,
Poonamallee, Tiruvallur, Tamil Nadu.

Petitioner(s)

Vs

1.The Deputy State Tax Officer (ST) - 2
Thirumazhisai Assessment Circle, 4/109,
Integrated Goods and Services Taxes Building,
2nd Floor, Chennai Bangalore Highway,
Nazarethpettai, Chennai-600 123

2.The Deputy Commissioner (CT),
Office of the Deputy Commissioner (ST),
GST Appeal, Chennai – I,
PAPJM Building, Chennai – 600 006.

Respondent(s)

PRAYER:- Petition filed under Article 226 of the Constitution of India, seeking issuance of certiorarified mandamus, calling for the records relation to the

Impugned Order GSTIN/33AEMPR8348Q1ZH/2017-18 dated 29.12.2023 along with DRC-07 Ref. No. ZD331223254902N on the file of the First Respondent along with the consequential order of rejection dated 23.10.2024 on the file of the Second Respondent, quash the same as it is arbitrary and consequently direct the Frist Respondent to hear the Petitioners on merits before passing the order.

For Petitioner(s): Mrs.Jayalakshmi.P

For Respondents: Mr.T.N.C.Kaushik
Additional Government Pleader

ORDER

The present writ petition is filed challenging the impugned order dated 29.12.2023 relating to the assessment year 2017-18 as well as the consequential order of rejection dated 23.10.2024.

2. It is submitted by the learned counsel for the petitioner that the petitioner is engaged in the business and is registered under the Goods and Services Tax Act, 2017. During the relevant period 2017-18, the petitioner filed its returns and paid the appropriate taxes. However, on verification of the returns, a discrepancy was found that there was mismatch between GSTR-3B and GSTR-26AS.

3. Pursuant thereto, a notice in DRC-01 was issued on 25.08.2023 with personal hearing on 20.12.2023 and 28.12.2023. However, the 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 neither the show cause notices nor the impugned order of assessment has been served on the petitioner by tender or sending it by RPAD, instead it had been uploaded under "additional notices and orders" tab on the GST Portal, thereby, the petitioner was unaware of the initiated proceedings and was thus unable to participate in the adjudication proceedings. It is 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 discrepancies. The learned counsel would further submit that appeal filed as against the assessment order also rejected on the ground of limitation on 23.10.2024.

4. 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.

5. 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 opportunity before the adjudicating authority to put forth their objections to the proposal. It was submitted that pursuant to the impugned order of assessment, to which the learned Additional Government Pleader appearing for the respondent does not have any serious objection.

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

a) The impugned orders dated 29.12.2023 and 23.10.2024 set aside.

b) The petitioner shall deposit 25% of the disputed taxes as admitted by 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.

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.

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

11-09-2025

kkn

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1.The Deputy State Tax Officer (ST) - 2
Thirumazhisai Assessment Circle, 4/109,
Integrated Goods And Services Taxes
Building, 2nd Floor, Chennai Bangalore
Highway, Nazarethpettai, Chennai-600
123.

2.The Deputy Commissioner (CT),
Office of the Deputy Commissioner (ST),
GST Appeal, Chennai – I,
PAPJM Building, Chennai – 600 006.

MOHAMMED SHAFFIQ J.

KKN

WP No. 33772 of 2025

11-09-2025