



WEB COPY

WP No. 33894 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-09-2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 33894 of 2025

and

WMP.Nos. 38033 & 38035 of 2025

1. ATM Engineering Seal Service
Rep. by its proprietor, Sivalingam, No.
33/82, First Floor, S.R.P Koil Street,
T V K Nagar, Peravallur, Chennai 82.

Petitioner(s)

Vs

1. The State Tax Officer
Perambur Assessment circle, PAPJM
Building Annexe, II Floor, No.1
Greens Road, Chennai 06.

Respondent(s)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order on the file of the respondent vide DRC-07 Ref. No. ZD331024113948J dated 17.10.2024 for the assessment year 2022-23 and



quash the same as illegal and devoid of merits and remand back the matter for fresh adjudication after providing an opportunity to the petitioner to submit explanation and the supporting documents and pass orders.

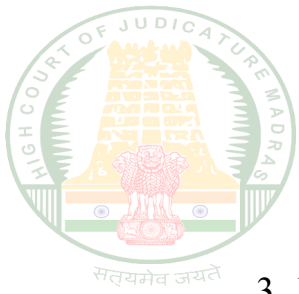
For Petitioner(s): Mr.T.Suresh

For Respondent: Mr.T.N.C.Kausihk,
Additional Government Pleader

ORDER

The present writ petition is filed challenging the impugned order dated 17.10.2024 relating to the assessment year 2022-23.

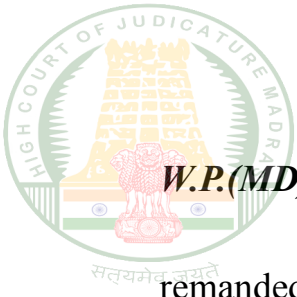
2. It is submitted by the learned counsel for the petitioner that the petitioner is engaged in the business of manufacturing rubber seal products and is registered under the Goods and Services Tax Act, 2017. During the relevant period 2022-23, the petitioner filed its returns and paid the appropriate taxes. However, on verification of the returns, a discrepancy was noticed as there is mismatch between GSTR3B and GSTR1.



WEB COPY

3. Pursuant thereto, a notice in DRC-01 was issued on 01.02.2024 and the petitioner has also given an opportunity of personal hearing on 19.06.2024 & 24.09.2024. However, the petitioner had not responded to the above notice, 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.

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*



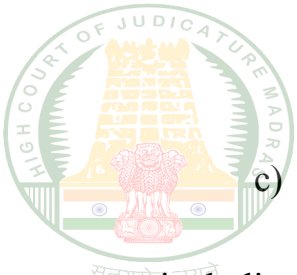
W.P.(MD)No.11924 of 2024 dated 10.06.2024, to submit that this court has

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, 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 order dated 17.10.2024 is 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.



WEB 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., 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



WP No. 33894 of 2



WEB COPY

1. The State Tax Officer

Perambur Assessment circle, PAPJM

Building Annexe, II Floor, No.1

Greens Road, Chennai 06



WEB COPY

WP No. 33894 of 2



MOHAMMED SHAFFIQ J.

KKN

WP No. 33894 of 2025

11-09-2025