



W.P. No.34036 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.34036 of 2025

and

W.M.P. No.38207 of 2025

Selvam Agencies

(Rep. By its Proprietor Meganathan Sri Ram),

5th Cross Street, Flat No.2, Vignesh Nagar,

Kurunji Street, Nemilicherry-Chrompet,

Chennai, Tamil Nadu-600 044.

...Petitioner(s)

vs.

Deputy Commercial Tax Officer,

Madipakkam Assessment Circle,

Integrated Commercial Taxes and

Registration Department Building,

Anna Salai, Chennai-600 035.

...Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in the impugned order Ref.No.ZD330424111843Q dated 15.04.2024, passed by the respondent, quash the same and direct the respondent to grant fresh opportunity.

For Petitioner(s) : Mr.K.Senguttuvan

For Respondent(s) : Mr.C.Harsha Raj
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.



W.P. No.34036 of 2025

WEB COPY 2. The present writ petition is filed challenging the impugned order dated 15.04.2024 relating to the assessment year 2018-19.

3. It is submitted by the learned counsel for the petitioner that the petitioner is engaged in wholesale and retail business and is registered under the Goods and Services Tax Act, 2017. During the relevant period 2018-19, petitioner filed their returns and paid appropriate taxes. However, on verification of the returns alleged mismatch between GSTR 3B and 2A was noticed.

4. Pursuant thereto, a notice in DRC-01A was issued on 17.11.2023 and show cause notice in DRC-01 was issued on 20.12.2023, followed by three reminder notices dated 13.03.2024, 21.03.2024 and 03.04.2024. 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 petitioner that neither the show cause notices nor the impugned order of assessment was uploaded on GST Portal, as petitioner closed their business as in the year 2020, they were unaware of the initiated proceedings and was thus unable to participate in the adjudication proceedings. It is submitted by the learned counsel for petitioner that if petitioner is provided with an opportunity,



W.P. No.34036 of 2025

they would be able to explain the alleged discrepancy.

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5. 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.

6. 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, bank accounts have been attached and requests that the same may be lifted on payment of 25% of disputed taxes, to which the learned Special Government Pleader appearing for respondent does not have any serious objection.

7. By consent of both parties, the writ petition stands disposed of on the



W.P. No.34036 of 2025

following terms:

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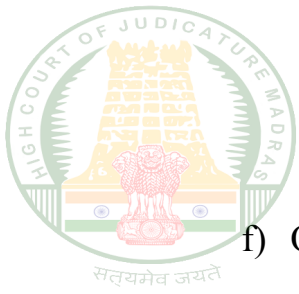
a) The impugned order dated 15.04.2024 is set aside.

b) The petitioner shall deposit 25% of the disputed taxes as agreed to by both 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.



W.P. No.34036 of 2025

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.

8. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.09.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

Deputy Commercial Tax Officer,
Madipakkam Assessment Circle, Integrated Commercial Taxes and
Registration Department Building, Anna Salai, Chennai-600 035.



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W.P. No.34036 of 2025

MOHAMMED SHAFFIQ, J.

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W.P. No.34036 of 2025

12.09.2025