IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

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THE HONOURABLE MR JUSTICE C. SARAVANAN

WP No. 35046 of 2025
and
WMP.Nos. 39207 & 39208 of 2025

1. M/s. B.S.D. Ventures,
represented by its Partner
Vadavala Sumanth Reddy,
No.147, Vepery High Road,
Periamet, Chennai - 600003.

Petitioner(s)

Vs

1. The Assistant Commissioner (ST),
Vepery Assessment Circle,
No.1, (PAPJM) Annex Building,
Room No.A-110, First Floor,
Greams Road, Chennai - 600 006.

Respondent(s)

PRAYER:- Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus, calling for the records of the respondent in his proceedings in GSTIN: 33AAPFB0222Q1ZE/2019-20, quash the order dated 21.08.2024 passed therein.

For Petitioner(s): Mr.C. Subramanian

For Respondent: Ms.Amirtha Poonkodi Dinakaran
Government Advocate

ORDER

Heard Mr.C.Subramanian, learned counsel appearing for the petitioner and Ms.Amirtha Poonkodi Dinakaran, learned Government Advocate appearing for the respondent.

2. In this Writ Petition, the Petitioner has challenged the impugned order dated 21.08.2024 passed by the respondent for the tax period 2019-2020. The impugned order dated 21.08.2024 was preceded with a notice in DRC-01 dated 30.05.2024. The demand that was proposed in the above show cause notice is based on audit report in respect of 20 defects that were noticed by the Office of the audit team.

3. It is stated that in respect of the 20 defects pointed out in the show cause Notice, for 14 defects, demand has been dropped / demands have been

dropped and, in respect of rest of the items i.e., Defect Nos.1 & 6 to 20, the Officer has passed an order without considering the supporting documents filed by the Petitioner.

4. The learned counsel appearing for the Petitioner submits that if the Petitioner is given an opportunity, the Petitioner will be in a position to explain the case afresh. The learned counsel for the Petitioner further submits that the Petitioner could not file either an appeal or an application for rectification of the impugned order passed earlier under Section 161 of the respective GST enactment act within the period of limitation as the Accountant employed by the Petitioner had left the Company and thereafter, the Petitioner did not have a regular Accountant to inform the Petitioner about the proceedings.

5. The case of the Petitioner is that the Officer has made unjust demands. That apart, the learned counsel for the Petitioner submits that the Petitioner has a fair case to explain, therefore, if one opportunity is given, the Petitioner will succeed.

6. The learned Government Advocate appearing for the Respondent would submit that the Writ Petition is liable to dismissed in the light of the decision of the Hon'ble Supreme Court in ***Glaxo Smithkline Asia Private Limited Vs. Commissioner of Central Excise, Nashik*** (*2018 SCC Online CESTAT 5375)* and ***Singh enterprises Vs CCE,*** *((2008) 3 SCC 70)* . It is therefore, submitted that there is no scope of directing or permitting the Petitioner to file a statutory appeal at the distant point of time, beyond the statutory period of limitation.

7. Having considered the submissions made by the learned counsel of the Petitioner and the learned counsel for the Respondent and having perused the impugned order dated 21.08.2024 and the show cause Notice that preceded the impugned order in DRC-01 dated 30.05.2024, I am inclined to come to the rescue of the petitioner by quashing the impugned orders, in so far as Defect No.1 & 16 to 20 are concerned and, in so far as it confirms the tax liability and imposes penalty and interest on the petitioner. The petitioner shall however, deposit 25% of the disputed tax in cash within a period of 30 days from the date

of receipt of a copy of this order.

8. It is noticed that the Petitioner has filed supporting documents to the impugned order however, no explanation has been given by the Petitioner in the form of reply to the defects pointed out in the impugned order and in the show cause Notice in DRC-01 dated 30.05.2024. Therefore, the Petitioner shall file a detailed reply / explanation along with the supporting documents to Defect Nos.1 & 16 to 20. The said exercise shall be completed by the Petitioner within a period of 30 days.

9. In case the Petitioner complies with the above stipulated condition, the Respondent shall proceed to pass a fresh order in respect of Defects No.1, 16 to 20 as expeditiously as possible, after granting an opportunity of hearing to the Petitioner. It is needless to state that the Petitioner shall co-operate with the Respondent. If the Petitioner does not comply with any of the above stipulated condition, the Respondent is at liberty to proceed against the Petitioner in accordance with law as if this Writ Petition was dismissed *in limine* today.

10. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

17-09-2025

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

To

1.The Assistant Commissioner (ST),
Vepery Assessment Circle,
No.1, (PAPJM) Annex Building,
Room No.A – 110, First Floor,
Greams Road, Chennai 600 006

C.SARAVANAN J.

KKN

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