IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.35709 of 2025
and W.M.P.Nos.39965 and 39966 of 2025

Perfect Marketers,
Rep.by its Proprietor,
Mr.Gunasekaran,
116/57, Chinna Maniyakara Street,
Chengalpattu-603 001. ... Petitioner

Vs.

The Assistant Commissioner(ST),
Chengalpattu Assessment Circle,
Commercial Taxes Department,
No.16A, First Floor, First Main Road,
Anna Nagar,
Chengalpattu-603 001. ... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorarified Mandamus, to call for the records of the respondent culminating in the impugned order dated 01.02.2025 bearing Reference No.ZD330225001971U passed under Section 74 of TNGST/CGST Act for the financial year 2017-2018, together with the consequential recovery proceedings in RFN MA330525108977N dated 20.05.2025 and quash the same as arbitrary, illegal and violative of principles of natural justice and consequently, direct the respondent to drop all proceedings initiated thereunder.

For Petitioner	:	Mr.S.Karunamoorthy
For Respondent	:	Mr.T.N.C.Kaushik Additional Government Pleader

O R D E R

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned Additional Government Pleader for the respondent.

2. In this writ petition, the petitioner has challenged the impugned order dated 01.02.2025 passed under Section 74 of TNGST/CGST Act for the tax period 2017-2018 and the consequential recovery proceedings dated 20.05.2025 in RFN MA330525108977N. The impugned order dated 01.02.2025 has been preceded by the show cause notice in DRC 01, dated 01.08.2024. The petitioner's GST Registration was also canceled on

05.09.2018 at the request of the petitioner and that the total amount due at the time of cancellation has been stated to be Nil. It is submitted that since the registration of the petitioner had been cancelled, the petitioner did not participate in any other proceedings by way of issuance of notice under Section 74 of the Act on 01.08.2024 and thus, the impugned orders suffer from perversity.

3. The learned counsel appearing for the petitioner submits that the petitioner became aware only after the respondent attempted to recover the tax due confirmed vide order dated 01.02.2025. The explanation offered by the petitioner in the affidavit filed in support of this writ petition appears to be plausible.

4. Considering the submissions made by the learned counsel appearing for the petitioner and following the consistent view taken under similar circumstances, the case is remitted back to the respondent for passing a fresh order on merits as I do not find any reason to take a different view in this case. The petitioner shall however deposit 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.

5. The Petitioner shall also file a reply to the notice in DRC 01 dated 01.08.2024 by treating the impugned order as addendum to the Show Cause Notice.

6. In case the Petitioner complies with the above stipulations, the Respondent shall proceed to pass fresh orders on merits and in accordance with law as expeditiously as possible preferably within a period of three (3) months thereafter, after hearing the Petitioner and the bank attachment shall automatically stand lifted.

7. In case the Petitioner fails to comply with any of the conditions stipulated above, the Respondent is at liberty to proceed against the

Petitioner in accordance with law as if this Writ Petition was dismissed *in limine* today.

8. This Writ Petition is disposed of, with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

23.09.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

ssb

To

The Assistant Commissioner(ST),
Chengalpattu Assessment Circle,
Commercial Taxes Department,
No.16A, First Floor, First Main Road,
Anna Nagar,
Chengalpattu-603 001.

C.SARAVANAN, J.

ssb

W.P.No.35709 of 2025

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