



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HONOURABLE MR JUSTICE C. SARAVANAN

WP No. 36200 of 2025

AND

WMP NO. 40456 OF 2025, WMP NO. 40457 OF 2025

1. Tvl. G.L.S. HARDWARES

No 40 /C Near Gandhi Statue

Dharmaraja kovil road, Krishnagiri 635

001

Petitioner(s)

Vs

1. The Assistant Commissioner (st)(fac)

Krishnagiri-i Circle, Hosur, Tamil Nadu

Respondent(s)

WMP No. 40456 of 2025

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Nadu

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Vs

1. The Assistant Commissioner (st)(fac)
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Nadu

Respondent(s)

WP No. 36200 of 2025

PRAYER

calling for the records relating to the impugned order in GSTIN
33BBJPG8849J1Z8 (FY 2017-18) dated 07.10.2024 and its consequential
Demand Order dated 07.10.2024 having Reference No. ZD331024039922O
issued by the Respondent and quash the same

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PRAYER

to dispense with the production of original impugned order in GSTIN
33BBJPG8849J1Z8 (FY 2017-18) dated 07.10.2024 and its consequential
Demand Order dated 07.10.2024 having Reference No. ZD331024039922O
issued by the Respondent

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PRAYER

to pass an order of interim stay of all operations in pursuance of the impugned
order in GSTIN 33BBJPG8849J1Z8 (FY 2017-18) dated 07.10.2024 and its



consequential Demand Order dated 07.10.2024 having Reference No. ZD331024039922O issued by the Respondent against the petitioner pending disposal of the writ petition

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For Petitioner(s): Sanskar Samdaria
Sourabh Samdaria
P.Kamesh

For Respondent: Ms. Amirtha Poonkodi
Dinakaran
Government Advocate

ORDER

Ms. Amirtha Poonkodi Dinakaran, learned Government Advocate takes notice for the Respondent.

2. This Writ Petition is being disposed of at the time of admission after hearing the learned counsel for the Petitioner and learned Government Advocate for the Respondent following the consistent view taken by this Court under similar circumstances.

3. In this Writ Petition, the Petitioner has challenged the impugned Assessment Order dated 07.10.2024 pursuant to a Show Cause Notice in GST



DRC-01 dated 03.10.2023 for the Tax Period between April 2017 and March 2018.

4. The Petitioner has approached this Court long after the expiry of the limitation period prescribed both for filing an appeal against the impugned Assessment Order dated 07.10.2024 and to rectify the same under Section 161 of the respective GST enactments.

5. A reading of the impugned Assessment Order dated 07.10.2024 indicates that the Petitioner has not participated in the assessment proceedings by filing a reply to the Show Cause Notice in GST DRC-01 dated 03.10.2023 and therefore, the demand has been confirmed against the Petitioner.

6. It is submitted by the learned counsel for the Petitioner that the Petitioner be given one chance to substantiate the case. The demand has been confirmed against the Petitioner merely because the Petitioner failed to respond to the Show Cause Notice in GST DRC-01 dated 03.10.2023.



7. The learned Government Advocate for the Respondent on the other hand would submit that this Writ Petition is devoid of merits and is liable to be dismissed in the light of the decisions of the Hon'ble Supreme Court in *Singh Enterprises Vs. Commissioner of Central Excise, Jamshedpur and others*, (2008) 3 SCC 70 and in *Commissioner of Customs and Central Excise Vs. Hongo India Private Limited and another*, (2009) 5 SCC 791 and also in *Assistant Commissioner (CT) LTU, Kakinada and others Vs. Glaxo Smith Kline Consumer Health Care Limited*, 2020 SCC Online SC 440.

8. That apart, it is submitted that the Petitioner has not substantiated the case with any documents and therefore, on this count also, this Writ Petition is liable to be dismissed.

9. It is noticed that under similar circumstances, this Court has come to the rescue of the persons like the Petitioner by quashing the impugned Assessment Order on terms subject to the Petitioner depositing 25% of the disputed tax. I do not find any reason to take a different stand in this case.



10. Having considered the submissions made by the learned counsel for the Petitioner and the learned Government Advocate for the Respondent and having considered the consistent view taken by this Court in similar circumstances, this Court is inclined to come to the partial rescue of the Petitioner by quashing the impugned Assessment Order dated 07.10.2024 and remitting the case back to the Respondent to pass a fresh order *de novo* subject to the Petitioner depositing 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.

11. The Petitioner shall file a reply contemporaneously to the Show Cause Notice in GST DRC-01 dated 03.10.2023 together with requisite documents to substantiate the case by treating the impugned Assessment Order dated 07.10.2024 as an addendum to the Show Cause Notice dated 03.10.2023 within a period of thirty (30) days from the date of receipt of a copy of this order.

12. In case the Petitioner complies with the above stipulated conditions, the Respondent shall proceed to pass a fresh order *de novo* on merits and in



accordance with law as expeditiously as possible, preferably, within a period of three (3) months thereafter.

13. 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. Thereafter, it is for the Respondent to take steps against the Petitioner to recover the tax that has been confirmed in the impugned Assessment Order.

14. Needless to state, before passing any such order, the Respondent shall give due notice to the Petitioner.

15. It is made clear that the Petitioner shall co-operate with the Respondent in the *de novo* proceedings.

16. This Writ Petition stands disposed of with the above observations.
No costs. Connected Writ Miscellaneous Petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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Krishnagiri-i Circle, Hosur, Tamil Nadu

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C.SARAVANAN J.

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