IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.36672 of 2025
and
W.M.P.Nos.41020 and 41025 of 2025

M/s.Coastal Plasto Chem Private Limited,
Represented by its Director Shantilal Jain ... Petitioner

Vs.

1.State Tax Officer,
Purasawakkam Assessment Circle,
Central-II, Chennai Central,
Tamil Nadu.

2.Deputy Commissioner (ST) (FAC),
Chennai Central-II Zone,
Greams Road, Chennai – 600 006.

3.Deputy Commissioner (GST) Appeal,
Chennai – 600 006.
(R3 *suo motu* impleaded by this Court vide
Order dated 06.10.2025 in W.P.No.36672 of 2025) ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent assessment proceedings passed by comparing the returns filed in

GSTR-01, GSTR-3B, GSTR-2A and E-waybill under CGST, SGST and IGST Acts in GSTIN: 33AADCC5239M1ZK/2020-21 dated 27.02.2025 for the year 2020-21 and to quash the impugned order passed and direct the 1st Respondent to pass fresh orders as per the Government Circular in Circular No.183/15/2022-GST dated 27.12.2022 after providing an opportunity of personal hearing.

For Petitioner : Mr.C.Baktha Siromoni

For Respondents : Mr.V.Prashanth Kiran
Government Advocate

ORDER

Mr.V.Prashanth Kiran, learned Government Advocate takes notice for the Respondents.

2. Heard the learned counsel for the Petitioner and the learned Government Advocate for the Respondents.

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 27.02.2025 passed for the Tax Period 2020-2021. The impugned Order has been preceded by the Show Cause Notice in GST DRC-01 dated

25.11.2024. The Petitioner has also replied to the said Show Cause Notice on 18.12.2024. It appears that there were about 8 defects that were pointed out by the Respondents, out of which the demand that was proposed in respect of 6 defects have been dropped and only in respect of 2 defects, the demand has been confirmed.

4. The learned counsel for the Petitioner has made an attempt to state that the impugned Order was non-speaking Order inasmuch as the amount paid in cash for a sum of Rs.47,03,033/- which was adjusted under the declaration of output tax was not allowed to be set off towards tax liability assessing out of excess claim of Input Tax Credit.

5. The learned Government Advocate for the Respondents on the other hand would submit that insofar as the excess claim of Input Tax Credit was concerned, the Petitioner's reply was confined only to tax liability of Rs.4,39,855/- each towards CGST and IGST and there was no response insofar as the excess Input Tax Credit availed on IGST for a sum of Rs.64,42,805/-.

6. Learned Government Advocate would further submit that insofar as the interest calculation, there has been no error in the impugned Order. It is further submitted that the present Writ Petition 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.

7. At this stage, the learned counsel for the Petitioner would submit that the Petitioner is willing to deposit 25% of the disputed tax and also to file an appeal before the Appellate Authority / Deputy Commissioner (GST) Appeal, Chennai – 600 006.

8. Recording the above submission of the learned counsel for the Petitioner, this Writ Petition is disposed of by giving liberty to the Petitioner to file a statutory appeal before the Appellate Authority together with pre-deposit of 25% of the disputed tax within a period of thirty (30) days from the date of

receipt of a copy of this order.

9. Under these circumstances, the Deputy Commissioner (GST) Appeal, Chennai – 600 006 is *suo motu* impleaded as a 3rd Respondent in this Writ Petition.

10. In case such an appeal is filed before the 3rd Respondent, the 3rd Respondent shall dispose of the appeal on merits after hearing the Petitioner without reference to the aspect of limitation.

11. In case the Petitioner fails to comply with the condition stipulated above, the 1st Respondent is at liberty to proceed against the Petitioner in accordance with law as if this Writ Petition was dismissed *in limine* today. No costs. Connected Writ Miscellaneous Petitions are closed.

06.10.2025

Neutral Citation : Yes / No

vsg / arb

To:

1.State Tax Officer,
Purasawakkam Assessment Circle,
Central-II, Chennai Central,
Tamil Nadu.

2.Deputy Commissioner (ST) (FAC),
Chennai Central-II Zone,
Greams Road, Chennai – 600 006.

3.Deputy Commissioner (GST) Appeal,
Chennai – 600 006.

C.SARAVANAN, J.

vsg / arb

W.P.No.36672 of 2025
and
W.M.P.Nos.41020 and 41025 of 2025

06.10.2025