IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. Nos. 37043 and 37050 of 2025
and
W.M.P. Nos. 41432, 41434, 41441 & 41443 of 2025

M/s. Contractor & ARM Agencies,
Represented by Mani Ramasamy ... Petitioner in both WPs

Vs.

1.The Joint Commissioner (Sales Tax)
(Intelligence) Salem
Commercial Taxes Building,
Hasthampatti, Salem – 636 007.

2.The Deputy State Tax Officer,
Office of the Assistant Commissioner (ST),
Omalur Assessment Circle, Omalur. ... Respondents in both WPs

Prayer in W.P.No.37043 of 2025: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the impugned orders viz., order dated 12.09.2024 in GSTIN No.33AFBPM5767L1Z4/2018-19 of the 1st respondent and the notice dated 08.08.2025 in Ref. GST No.33AFBPM5767L1Z4 of the 2nd respondent and quash the same.

Prayer in W.P.No.37050 of 2025: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the impugned orders viz., order dated 12.09.2024 in GSTIN No.33AFBPM5767L1Z4/2021-22 of the 1st respondent and the notice dated 08.08.2025 in Ref. GST No.33AFBPM5767L1Z4 of the 2nd respondent and quash the same.

For Petitioner (in both WPs)	:	Mrs. A.L. Gandhimathi, Senior Counsel for Mr. L. Palani Muthu
For Respondents (in both WPs)	:	Mr. V. Prashanth Kiran, Government Advocate

COMMON ORDER

Both these Writ Petitions are being disposed of by way of this common order at the time of admission with the consent of the learned counsel for the Petitioner and the learned Government Advocate who takes notice on behalf of the Respondents.

2. In these Writ Petitions, the Petitioner is challenging the following order passed under Section 73 of the respective GST Enactments, although, it is informed that the orders have been passed under Section 74 of the respective GST Enactments.

3. The case of the Petitioner is that there was an inspection on 10.05.2023 pursuant to which, the following notices were issued on the following dates: -

NOTICE	DATE
DRC-01A	Dated 15.02.2024
DRC-01	Dated 06.06.2024

4. It is the specific case of the Petitioner is that the business which was carried on by the Petitioner was sold as a going concern to one Anandhakumar who has also since obtained a separate GST registration on 27.09.2021 bearing Registration No.33BLWPA1669KIZQ.

5. That apart, it is submitted that the Petitioner assumed that after October 2020, all responsibility and liability will be that of the said transferee, namely, the said Anandhakumar.

6. It is submitted that the Petitioner had also filed an application for cancellation of the registration after the inspection and the registration was also cancelled on 26.06.2024 with effect from 18.09.2023. It is therefore submitted that the Petitioner was unaware of the notice issued in DRC-01 and

DRC-01A, although, the impugned order records that Petitioner has taken time repeatedly for responding to the aforesaid notice.

7. Learned Senior Counsel for the Petitioner would therefore submit that if one opportunity is granted to the Petitioner to work out the remedy afresh, the Petitioner will be able to explain the case, as the Petitioner is no longer in the business in view of the transfer of the business during October 2020 to the said Anandhakumar who has obtained GST registration on 27.09.2021.

8. On the other hand, the learned Government Advocate for the Respondents would submit that after inspection was made on 10.05.2023, the Petitioner filed an application for cancellation of registration on 18.09.2023 which was culminated in cancellation of the registration on 26.06.2024 with effect from 18.09.2023. Thus, the liability if any will be that of the Petitioner, as all the transactions are relatable to the registrations obtained by the Petitioner which stood cancelled only on 26.06.2024 with effect from 18.09.2023.

9. Having considered the submissions made by the learned counsel for the Petitioner and the learned Government Advocate for the Respondent, following the consistent view taken by this Court under similar circumstances, I direct the 1st Respondent to pass a fresh order subject to the Petitioner depositing 25% of the disputed tax within a period 30 days from the date of receipt of copy of this order.

10. Within such time, the Petitioner shall file a detailed reply by treating the impugned order dated 12.09.2024 as addendum to the notice in DRC-01 as detailed above within a period of 30 days from the date of receipt of copy of this order.

11. The Respondents shall thereafter proceed to pass a fresh order subject to the Petitioner complying with the above stipulated conditions. In case, the Petitioner fails to comply with any of the stipulated conditions, the Respondents is at liberty to proceed against the Petitioner in the manner known to law as if this Writ Petition was dismissed *in limine* today.

12. Accordingly, these Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

26.09.2025

Index : Yes/No
Neutral Citation : Yes/No
AT

To
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C.SARAVANAN, J.

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