



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MR JUSTICE C. SARAVANAN

WP No. 38851 of 2025

AND

WMP NO. 43473 OF 2025 and WMP NO. 43476 OF 2025

1. Tvl Shri Balaji Steel Industries
Rep. by its Manager P Selvakumar
143/4, Thachur Village, Panchetty,
Tiruvallur, Tamilnadu 601204

Petitioner(s)

Vs

1. Assistant Commissioner

2.State Tax Officer
Ponneri Assessment Circle, Integrated
Commercial Taxes Building (North)
Division, First floor, Room No. I 05,
No.32, Elephant Gate Bridge Road,
Vepery, Chennai 600003

Respondent(s)

PRAYER

calling for the records of the Respondens impugned order in Form GST DRC-07 dated 28.02.2025 bearing Ref. No. 33AAUFS8552M2ZA and the connected detailed order bearing Ref. GSTN 33AAUFS8552M2ZA /2020-21 dated 28.02.2025, and the consequent Recovery Notice dated 28.08.2025 issued by



the Respondent, seeking to quash the same and consequentially direct the Respondent to provide the Petitioner with an opportunity of bearing, and pass

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For Petitioner : Ms. Vipula DS

For Respondents : Mr. TNC Kaushik
Additional Government Pleader

ORDER

Mr. TNC Kaushik, learned Additional Government Pleader takes notice for the Respondents.

2. This Writ Petition is being disposed of at the time of admission after hearing the learned counsel for the Petitioner and learned Additional Government Pleader for the Respondents 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 28.02.2025 which precedes a Show Cause Notice in GST DRC-01 dated 26.11.2024 for the Tax Period between April 2020 and March 2021.

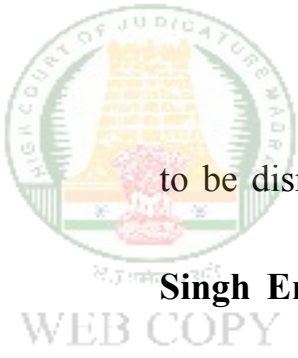


4. The Petitioner has approached this Court long after the expiry of the limitation period prescribed both for filing an appeal against the impugned Assessment Order dated 28.02.2025 and to rectify the same under Section 161 of the respective GST enactments.

5. Reading of the impugned Assessment Order dated 28.02.2025 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 26.11.2024 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 26.11.2024.

7. The learned Additional Government Pleader for the Respondents 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 extenuating 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 Additional Government Pleader for the Respondents and having considered the consistent view taken by this Court under similar circumstances, the impugned order dated 28.02.2025 is quashed and the matter is remitted back to the Respondents 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. Any amount, deposited earlier, shall be set off / adjusted towards the 25% of the pre-deposit condition as stipulated above.

11. The Petitioner shall file a reply to the Show Cause Notice in GST DRC-01 dated 26.11.2024 together with requisite documents to substantiate the case by treating the impugned Assessment Order dated 28.02.2025 as an addendum to the Show Cause Notice dated 26.11.2024 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 Respondents 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. Subject to the Petitioner complying with the above stipulated conditions, the attachment of the bank account of the Petitioner shall also stand raised, if any.

13. In case the Petitioner fails to comply with any of the conditions stipulated above, the Respondents are at liberty to proceed against the Petitioner in accordance with law as if this Writ Petition was dismissed *in limine* today. It is for the Respondents 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 Petitioner be heard.

15. It is made clear that the Petitioner shall co-operate with the Respondents 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

1. Assistant Commissioner

2. State Tax Officer

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C.SARAVANAN J.

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