IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.38793 and 38796 of 2025
and
W.M.P.Nos.43403, 43404, 43407 and 43408 of 2025

M/s.Gram Envo Solution Private Limited,
Represented by its Managing Director
Rajamanickam Ganesan ... Petitioner in both W.Ps

Vs.

1.The Assistant Commissioner (ST) (FAC),
Ram Nagar Assessment Circle,
Coimbatore-II,
Coimbatore,
Tamil Nadu.

2.The Deputy State Tax Officer-1,
Ram Nagar Assessment Circle,
Coimbatore-II,
Coimbatore,
Tamil Nadu. ... Respondents in both W.Ps

Prayer in W.P.No.38793 of 2025: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the impugned order in Ref.No.ZD330824170371I dated 20.08.2024 under Section 73 of the CGST/TNGST Act, 2017 for the Financial Year 2019-2020 served along with the summary of order in DRC-07 from the files of the Second

Respondent herein, quash the same.

Prayer in W.P.No.38796 of 2025: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the impugned order in Ref.No.ZD330724206827A dated 18.07.2024 under Section 73 of the CGST/TNGST Act, 2017 for the Financial Year 2019-2020 served along with the summary of order in DRC-07 from the files of the First Respondent herein, quash the same.

For Petitioner (In both W.Ps)	:	Mrs.Aparna Nandakumar
For Respondents (In both W.Ps)	:	Mr.C.Harsharaj Special Government Pleader

COMMON ORDER

Mr.C.Harsharaj, learned Special Government Pleader takes notice for the Respondents.

2. By this Common Order, both the Writ Petitions are being disposed of at the stage of admission itself with the consent of the learned counsel for the Petitioner and the learned Special Government Pleader for the Respondents.

3. In these Writ Petitions, the Petitioner has challenged the impugned Orders dated 20.08.2024 and 18.07.2024 passed by the 2nd Respondent and the

1st Respondent respectively in the respective Writ Petitions.

4. Arguing the case on behalf of the Petitioner, the learned counsel for the Petitioner would submit that bulk of the demand covered by the impugned Order dated 20.08.2024 pertains to belated availing of Input Tax Credit (ITC) which now stands condoned by virtue of insertion of Rule 16(5) to the respective GST Rules vide SO 4253(E) with retrospective effect from 01.07.2017 inserted by Finance (No.2) Act, 2024 (15 of 2024) dated 16.08.2024.

5. It is submitted that out of the total demand that has been confirmed vide impugned Order dated 20.08.2024, a sum of Rs.16,65,484/- on account of belated availing of Input Tax Credit (ITC) has to go in the light of the statutory amendment to Section 16 of the respective GST enactments and thus there is only a balance of Rs.1,98,456/- (Rs.18,63,940/- - Rs.16,65,484/-).

6. It is submitted that the balance amount pertains to purported discrepancies/variance in the amounts in GSTR-3B, GSTR-2A, GSTR-01 and interest on belated filing of Input Tax Returns in GSTR-3B which is a common issue covered by the Order dated 18.07.2024 of the 1st Respondent, which is

impugned in W.P.No.38796 of 2025.

7. Learned counsel for the Petitioner fairly concedes that although the issue is common, the amount demanded are for different period within the same tax period apart from the issues on account of variance between the data in GSTR-01 (monthly returns) and the E-Way Bill generated by the Petitioner for the outward supply effected by the Petitioner.

8. Learned Special Government Pleader for the Respondents on the other hand would submit that these Writ Petitions are devoid of merits and are liable to be dismissed on account of laches.

9. That apart, it is submitted by the learned Special Government Pleader for the Respondents that the Petitioner has failed to respond to the Show Cause Notices in GST DRC-01 dated 27.05.2024 and 28.05.2024, which have now culminated in the respective impugned Orders and therefore these Writ Petitions are liable to be dismissed.

10. I have considered the arguments advanced by the learned counsel for the Petitioner and the learned Special Government Pleader for the Respondents.

11. This Court is inclined to follow the consistent view taken by this Court under similar circumstances by remitting the case back to the 1st Respondent Assistant Commissioner (ST) (FAC) to pass a fresh and consolidated order insofar as all the issues other than the issue relating to the demand that was confirmed on account of belated availing of Input Tax Credit (ITC) is concerned, in view of the statutory amendment with the insertion of Rule 16(5) to the respective GST Rules.

12. In other words, the demand that was confirmed pertaining to the belated availing of Input Tax Credit (ITC) for a sum of Rs.16,65,484/- out of Rs.18,63,940/- shall stand deleted.

13. As far as the other issues are concerned, the 1st Respondent Assistant Commissioner (ST) (FAC) shall pass a fresh order subject to the Petitioner depositing 50% 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.

14. The Petitioner shall file a consolidated reply to the respective Show Cause Notices in GST DRC-01 dated 27.05.2024 and 28.05.2024 together with requisite documents to substantiate the case by treating the impugned Orders

dated 20.08.2024 and 18.07.2024 as addendum to the Show Cause Notices dated 27.05.2024 and 28.05.2024 insofar as it confirms the demand on the respective issues other than the belated availing of Input Tax Credit, within a period of thirty (30) days from the date of receipt of a copy of this order.

15. In case the Petitioner complies with the above stipulated conditions, the 1st Respondent Assistant Commissioner (ST) (FAC) shall proceed to pass a final order on merits and in accordance with law as expeditiously as possible, preferably, within a period of three (3) months thereafter.

16. Subject to the Petitioner complying with the above stipulated conditions, the attachment of the bank account of the Petitioner and the third-party attachment shall also stand automatically raised/vacated.

17. In case the Petitioner fails to comply with any of the conditions stipulated above, the 1st Respondent Assistant Commissioner (ST) (FAC) is at liberty to proceed against the Petitioner to recover the tax in accordance with law as if these Writ Petitions were dismissed *in limine* today.

18. Needless to state, before passing any such order, the 1st Respondent

shall give due notice to the Petitioner.

19. These Writ Petitions stand disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

14.10.2025

Neutral Citation : Yes / No

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To:

1.The Assistant Commissioner (ST) (FAC),
Ram Nagar Assessment Circle,
Coimbatore-II,
Coimbatore,
Tamil Nadu.

2.The Deputy State Tax Officer-1,
Ram Nagar Assessment Circle,
Coimbatore-II,
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C.SARAVANAN, J.

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