



WEB COPY



W.P. No. 40250 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 40250 of 2025

and

W.M.P. Nos. 45208 and 45210 of 2025

M/s. K.C.A. Coir Industry,
Represented by its Partner,
Shanmuga Raja

... Petitioner

Vs.

Deputy State Tax Officer – II,
Omalur Assessment Circle, Salem Zone – 2,
2/1, 15th Ward, Periyamariamman Kovil Backside,
Visvam Building, Bazaar Street, Omalur,
Salem, Tamil Nadu – 636 455.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the impugned order of the respondent passed in GSTIN: 33AAIFK2621B1Z0/2019-20 dated 16.08.2024 and quash the same.

For Petitioner : Ms. A. Divya

For Respondent : Mr. V. Prashanth Kiran,
Government Advocate



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ORDER

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

2. This Writ Petition is being disposed of at the time of admission with the consent of the learned counsel for the Petitioner and learned Government Advocate for the Respondent.

3. In this Writ Petition, the Petitioner has challenged the impugned Order 16.08.2024 bearing GSTIN: 33AAIFK2621B1Z0/2019-20 of the Respondent, which was preceded by a Show Cause Notice in GST DRC-01 dated 20.05.2024 wherein the Petitioner was also called upon to appear for personal hearing.

4. The Petitioner was also issued with Reminders on 25.06.2024, 03.07.2024 and 15.07.2024, which called upon the Petitioner to file a reply and to appear for a personal hearing. The Petitioner however neither filed any reply nor appeared for the personal hearing fixed on 02.07.2024, 11.07.2024 and on 22.07.2024. Thus, the impugned Order has been passed.



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5. The learned counsel for the Petitioner submits that 60% of the disputed tax have been recovered already. The submission of the learned counsel for the Petitioner stands recorded.

6. It is noticed that the limitation for filing an appeal under Section 107 of the respective GST enactments, 2017 against the impugned Order has already expired. The present Writ Petition has been filed only on 13.10.2025.

7. Under similar circumstances, Orders have been quashed and cases have been remitted back to pass a fresh order on terms subject to such Assessee depositing 25% to 100% of the disputed tax depending upon the length of delay in approaching the Court. I do not find any reason to take a different view in this case.

8. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the case is remitted back to the Respondent to 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, if not recovered already.



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9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 20.05.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 16.08.2024 as an addendum to the Show Cause Notice dated 20.05.2024.

10. Amount which has already recovered from the Petitioner shall be adjusted towards pre-deposit of 50% of the disputed tax as ordered above. This will be however subject to verification by the Respondent.

11. In case the Petitioner complies with the above stipulations, the Respondent 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 of such reply/pre-deposit. Subject to the Petitioner complying with the above stipulations, the attachment of the bank account of the Petitioner shall also stand automatically raised/vacated.

12. In case the Petitioner fails to comply with any of the stipulations, the Respondent is at liberty to proceed against the Petitioner to recover the tax in accordance with law as if this Writ Petition was dismissed *in limine* today.



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

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

27.10.2025

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

To
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C.SARAVANAN, J.



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