IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.42880 of 2025
and
W.M.P.Nos.47949 & 47951 of 2025

M/s. Angel Enterprises,
Rep. by its Proprietrix,
465 Mettu Street,
Katrambakkam,
Sriperumpudur Taluk,
Kancheepuram District. ... Petitioner

Vs.

The State Tax Officer,
Sriperumbudur Assessment Circle,
Kancheepuram District. ... Respondent

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records on the file of the Respondent made in GST/33CUUPG2425F1ZQ/2019-20, dated 19.08.2024 and quash the same as illegal, arbitrary and violative of principles of natural justice.

For Petitioner : Mr.S.Kanmani Annamalai

For Respondents : Mr.T.N.C.Kaushik
Additional Government Pleader

ORDER

Mr.T.N.C.Kaushik, learned Additional Government Pleader, takes notice for the respondent.

2. With the consent of the learned counsel for the petitioner and learned Additional Government Pleader for the respondent, this Writ Petition is being disposed of at the time of admission.

3. The petitioner is before this Court against the impugned Order dated 19.08.2024 in Form GST DRC-07 passed by the respondent for the tax period 2019-2020. The impugned order was preceded by a Show Cause Notice in DRC-01 dated 24.05.2024, to which, the petitioner failed to respond and thus, suffered the impugned order.

4. By the impugned order, the demand that has been confirmed against the petitioner is as follows:

S.No.	Act	TAX	Interest	Penalty	Total
1	2	3	4	5	6
1	SGST	255488	234130	34321	523939
2	CGST	255488	234130	34321	523939
3	IGST	0	0	0	0
4	CESS	0	0	0	0
	TOTAL	510976	468260	68642	1047878

5. The issue with regard to invalid ITC under Section 16(4) of the respective GST Enactments is now settled in favour of the petitioner in light of the statutory intervention by insertion of Sections 16(5) and 16(6) to the respective GST Enactments, by Finance Act (No.2), 2024 dated 16.08.2024 vide S.O. 4253(E) w.r.e.f 01.07.2017.

6. Considering the same, the matter is remitted back to the respondent to pass a fresh order on merits, subject to the petitioner depositing 50% of the disputed tax demanded for the other issues by the impugned order other than the demand covered under Section 16(4) of the respective GST enactments, in cash from the Petitioner's Electronic Cash Register within a period of 30 days from the date of receipt of a copy of this order.

7. In case the petitioner complies with the above stipulation, the

respondent shall proceed to pass fresh order on merits, as expeditiously as possible, preferably, within a period of three (3) months of such pre-deposit. It is needless to state that, before passing any such order, the petitioner shall be heard.

8. This Writ Petition is disposed of with the above observations.

11.11.2025

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Neutral Citation : Yes / No

To

The State Tax Officer,
Sriperumbudur Assessment Circle,
Kancheepuram District.

C.SARAVANAN, J.

raja

W.P.No.42880 of 2025

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