



W.P.No.45954 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.45954 of 2025

and

W.M.P.Nos.51248, 51250 and 51252 of 2025

Mascons Engineering & Contracting Company Pvt Ltd,
Represented by its Authorised Signatory,
Abdunnafie.

... Petitioner

Vs.

1.The Deputy Commercial Tax Officer (ST),
Office of the Assistant Commissioner (ST),
Sholinganallur Assessment Circle,
2nd Floor, Room No.241,
The Integrated Building for Commercial Taxes and
Registration Department,
(South Tower), Nandanam, Chennai – 35.

2.The Assistant Commissioner (ST),
Sholinganallur Assessment Circle,
2nd Floor, The Integrated Building for Commercial Taxes and
Registration Department, (South Tower),
Nandanam, Chennai – 35.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records in impugned order in GSTIN:33AAECM6611N2ZC/2019-20 dated 21.08.2024 along with DRC-07 bearing Reference No.ZD330824180076C dated 21.08.2024 under Section 73 of the Act issued by the first Respondent and quash the same as arbitrary, without jurisdiction and void and direct the Respondent to lift the bank attachment notice in Form GST DRC – 13 dated 11.09.2025 issued by the second respondent vide GST/TVR/ARR/2025 thereby to unfreeze the Petitioner's bank account (A/c.No.911020056399249, Bank: Axis Bank, Branch: Thiruvannmiyur).

For Petitioner : M/s.E.Santhanalakshmi

For Respondents : Mrs.K.Vasanthamala
Government Advocate

ORDER

Mrs.K.Vasanthamala, learned Government Advocate takes notice for the Respondents.

2. This Writ Petition is being disposed of at the stage of admission



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itself with the consent of the learned counsel for the Petitioner and the learned Government Advocate for the Respondents.

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 21.08.2024, which was preceded by a Show Cause Notice in GST DRC-01 dated 15.05.2024 wherein the Petitioner was called upon to appear for personal hearing. However, the Petitioner had not taken advantage of the same and thus, suffered the impugned Order dated 21.08.2024.

4. 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 16.10.2025.

5. Under similar circumstances, Order has been quashed and case has been remitted back to the concerned Respondent 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



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any reason to take a different view in this case.

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6. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the case is remitted back to the concerned 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.

7. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 15.05.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 21.08.2024 as an addendum to the Show Cause Notice dated 15.05.2024.

8. In case the Petitioner complies with the above stipulations, the Respondent concerned shall proceed to pass a final order on merits and in accordance with law as expeditiously as possible, preferably, within a period



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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 vacated.

9. It is made clear that bank attachment shall be lifted subject to the deposit of 50% of the disputed tax as ordered above and no other amount is in arrears barring the amount demanded under the impugned Order.

10. In case the Petitioner fails to comply with any of the stipulations, the concerned 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.

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



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12. This Writ Petition stands disposed of with the above observations.

No costs. Connected Writ Miscellaneous Petitions are closed.

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Neutral Citation: Yes / No

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To:

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