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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.40053 of 2025
and
W.M.P.Nos.45001, 45005, 45006 and 45007 of 2025

Palani Ilanthirayan,
Proprietor of Hitech Sign,
7/330, 2nd Cross Street, Kurniji Nagar,
Kovilambakkam, Kancheepuram,
Tamil Nadu, 600 129. ... Petitioner

Vs.

1. Deputy Commercial Tax Officer /
   Deputy State Tax Officer,
   Medavakkam Assessment Circle,
   Room No.232, Integrated Commercial Taxes Buildings,
   2nd Floor, Anna Salai, Nandanam,
   Chennai – 600 035, Tamil Nadu, India.
2. Commercial Tax Officer / State Tax Officer,
   Medavakkam Assessment Circle,
   Room No.232, Integrated Commercial Taxes Buildings,
   2nd Floor, Anna Salai, Nandanam,
   Chennai – 600 035, Tamil Nadu, India.
3. Deputy Commissioner (ST),
   No.26, Abhirami Complex, Kanchipuram High Road,
   Thimmavaram, Chengalpattu – 603 101,
   Tamil Nadu, India.
4. The Branch Manager,
   Axis Bank, No.2, Medavakkam High Road,
   Madipakkam, Chennai – 600 091. ... Respondents

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Prayer: Writ Petition 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 Respondents and quash the impugned Orders under Section 74 of the Tamil Nadu Goods and service Tax Act, 2017/Central Goods and service Tax Act, 2017 including the Summary of the Order in Form GST DRC-07 dated 28.08.2024 having Reference Number ZD3308242615954 and Order under Section 73 of the Tamil Nadu Goods and Service Tax Act, 2017/Central Goods and Service Tax Act, 2017 including the Summary of the Order in Form GST DRC-07 dated 28.08.2024 having Reference Number ZD3308242626919 passed by the First Respondent and order under Section 73 of the Tamil Nadu Goods and Service Tax Act, 2017 / Central Goods and Service Tax Act, 2017 including the Summary of the Order in Form GST DRC-07 dated 24.08.2024 having Reference Number ZD330824217564D and order under Section 73 of the Tamil Nadu Goods and Service Tax Act, 2017/Central Goods and Service Tax Act, 2017 including the Summary of the Order in Form GST DRC-07 dated 22.08.2024 having Reference Number ZD330824203803L passed by the Second Respondent for the Assessment Year 2019-2020.

For Petitioner : Ms. K.Kumudham Barathi
For R1 to R3 : Ms. Amirtha Poonkodi Dinakaran
Government Advocate

ORDER

In this Writ Petition, the petitioner has challenged separate orders passed by the respondents under Section 73 and 74 of the respective GST enactments for the tax period 2019-2020, as detailed below:-

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PAYMENT CHART

S.No.	SCN DATE	REPLY BY PETITIONER	IMPUGNED ORDER DATE	DEMAND RAISED	DEMAND PAID
1.	05.08.2023	07.09.2023, 27.09.2023 and 15.12.2023	28.08.2024	Rs.50,000/-(as penalty). No tax demand	Interest paid
2.	27.05.2024	No Reply	24.08.2024	Rs.3,00,882/- as tax demand	Rs.3,00,882/- (100% tax demand paid)
3.	28.05.2024	No Reply	22.08.2024	Rs.42,765/- (as interest). No tax demand	Nil
4.	23.05.2024	No Reply	28.08.2024	Rs.3,19,530/- as tax demand	Nil

2. As far as the challenge to the order dated 28.08.2024 bearing ZD3308242615954 is concerned, the petitioner has been imposed a General Penalty of Rs.50,000/- (Rs.25,000/- each for CGST and SGST) for late filing of GST returns. However, it is noticed that no late fee under Section 47 of the respective GST enactments has been imposed on the petitioner in the aforesaid impugned order dated 28.08.2024. The present writ petition has been filed only on 23.10.2025.

3. The aforesaid impugned order dated 28.08.2024 imposing a General Penalty of Rs.50,000/-, without the imposition of late fees under Section 47 of the respective GST enactments does not merit any interference. Therefore,

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challenge to the aforesaid impugned order dated 28.08.2024 has to fail. This writ petition, to that extent, is liable to be dismissed.

4. As far as the challenge to the remaining three assessment orders dated 22.08.2024, 24.08.2024 and 28.08.2024 bearing ZD3308242626919, and are concerned, it is noticed that the petitioner did not respond to the respective Show Cause Notices in DRC – 01 by filing a reply that preceded the respective impugned orders mentioned above and thus suffered the respective impugned orders.

5. Since the aforesaid impugned orders were all passed in the year 2024, the petitioner is willing to pay 50% of the disputed tax as confirmed in the respective impugned assessment orders (Serial Nos.2 to 4 in the above table) and submits that the cases be remitted back.

6. Recording the same, the aforesaid impugned assessment orders dated 22.08.2024, 24.08.2024 and 28.08.2024 passed under Section 73 of the respective GST enactments are quashed. The cases are remitted back to the respondent to pass a fresh order on merits, subject to the petitioner depositing

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50% of the disputed tax in respect of the tax demand confirmed *vide* aforesaid impugned orders dated 28.08.2024 and 24.08.2024, as well as the demand interest confirmed in the impugned order dated 22.08.2024.

7. It is the contention of the petitioner that the entire tax demand as confirmed vide impugned order dated 24.08.2024 has already been recovered and paid by the petitioner.

8. In case, the tax demand has indeed been recovered and paid by the petitioner, the petitioner shall not be required to make any further pre-deposit for the purpose of *de novo* proceedings insofar as the impugned order dated 24.08.2024 is concerned.

9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in Form GST DRC-01 dated 27.05.2024 together with requisite documents to substantiate the case by treating the impugned Orders dated 22.08.2024, 24.08.2024 and 28.08.2024 as an addendum to the Show Cause Notice dated 27.05.2024.

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10. In the result, the writ petition is partly allowed and partly dismissed.

(i) the challenge to the assessment order dated 28.08.2024 bearing ZD3308242615954 is dismissed.

(ii) the remaining impugned orders at Serial Nos. 2 to 4 in the above table are disposed of by way of remand, subject to the petitioner depositing 50% of the disputed tax.

(iii) To the extent the tax demand already been recovered, the same shall be adjusted towards the pre-deposit as ordered above and no further pre-deposit is required, if the entire tax demand is already recovered.

(iv) The attachment of the petitioner's bank account shall be lifted, subject to the petitioner complying with the above stipulation and the petitioner not in arrears of any other amount towards the tax demand for other financial years.

(v) 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.

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(vi). 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.

No costs. Connected Writ Miscellaneous Petitions are closed.

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Index : Yes/No
Neutral Citation : Yes/No

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