IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.42693 of 2025
and
W.M.P.Nos.47762 and 47763 of 2025

Tvl.Sri Krishna Agro Service,
Represented by Naresh
GSTIN:33AOUPN6013L1ZK
No.101, Denkanikottai Main Road,
Hosur, Tamil Nadu – 635 113. ... Petitioner

Vs.

1.The Assistant Commissioner (ST)(FAC),
Hosur (South) – III,
Hosur, Tamil Nadu – 635 109.

2.The Manager,
Federal Bank
Denkanikottai Branch
Building No.89, 90 Nehru Street,
Denkanikottai,
Krishnagiri – 635 107. ... Respondents

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 of impugned order in Form DRC – 07 reference number ZD331022037508S dated 28.10.2022, directing the Petitioner to make the payment of Rs.13,99,842/-

along with the interest of Rs.7,74,812/- under Section 50(1) and penalty of Rs.13,99,842/- under Section 74 of the Tamil Nadu Goods and Service Act 2017 issued by the 1st Respondent and quash the same as illegal, arbitrary, devoid of merits and against the principles of natural justice and law. Consequently, direct the 2nd respondent to lift the attachment of the bank accounts which was maintained in the 2nd respondent's bank (savings account Account No.18730100090085) and OD & Cash Credit account (Account No.18735500000121).

For Petitioner	:	Mr.S.Nagarjun
For Respondents	:	Mrs.P.Selvi Government Advocate for R1

ORDER

Mrs.P.Selvi, learned Government Advocate takes notice for the first 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 first Respondent.

3. The Petitioner is before this Court against the impugned order dated 28.10.2022 passed by the Respondent for the tax period 2019 - 2020 which preceded an intimation in Form GST DRC – 01A dated 18.08.2022 and Show Cause Notice in GST DRC – 01 dated 22.08.2022. The Petitioner responded to same by filing a reply on 29.08.2022.

4. In the reply, the Petitioner has stated as follows:-

> *"Difference between R1 and 3B for the month of Sep 19 is regularised in the subsequent month Oct 19. Annual Returns GSTR 9 is enclosed for your reference. Worksheets for whole year also enclosed for your reference."*

along with the aforesaid reply, the Petitioner has also uploaded the following information:

> *"GSTR1 – Sep 19 and Oct 19.pdf Month wise Summary.pdf P&L and Balance Sheet.pdf GSTR9_33AOUPN6013L1ZK_032020.pdf."*

5. However, a reading of the impugned order reveals that the reply filed by the Petitioner dated 29.08.2022 to the Show Cause Notice in DRC – 01 has not been considered while passing the impugned order.

6. The Petitioner claims to have been unaware of the impugned order dated 28.10.2022 and that the Petitioner became aware of the same only after the recovery proceedings were initiated against the Petitioner by way of bank attachment.

7. The reasons stated in the affidavit for the same read as under:-

> "*6.I submit that after lapsing of several years, all of sudden, it is informed that the lien was marked over my Bank accounts which was maintained in the 2nd respondent's bank (savings account (Account No.18730100090085) and OD and Cash Credit account (Account No.18735500000121) based on the 1st respondent's order in Form GST DRC – 13.*
>
> *9. I state that I do not possess the original of the impugned order in form DRC – 07 reference number ZD331022037508S dated 28.10.2022, directing the Petitioner to make the payment of Rs.13,99,842/- along with the interest of Rs.7,74,812/- under Section 50(1) and penalty of Rs.13,99,842/- under Section 74 of the Tamil Nadu Goods and Service Act 2017 issued by the 1st Respondent along with the DRC – 13 as it was issued only in online portal. Therefore, this Court may be pleased to dispense with the production of the originals of the same. I state that the failure of the petitioner to obtain the original copy of the impugned letter is neither willful nor wanton.*"

8. The learned Government Advocate for the first Respondent submits that the Petitioner has slept over the rights and that the Writ Petition is liable to be dismissed on account of the decision of the Hon'ble Supreme Court in **Singh**

Enterprises Vs. **Commissioner of Central Excise**, **Jamshedpur and others**, (2008) 3 SCC 70 and in **Commissioner of Customs and Central Excise** Vs. **Hongo India Private Limited and another**, (2009) 5 SCC 791 and also in **Assistant Commissioner (CT) LTU, Kakinada and others** Vs. **Glaxo Smith Kline Consumer Health Care Limited**, 2020 SCC Online SC 440.

9. Have considered the submissions made by the learned counsel for the Petitioner and the learned Government Advocate for the first Respondent.

10. Considering the above, the case is remitted back to the first Respondent to pass a fresh order on merits as the Petitioner's reply dated 29.08.2022 has not been considered while passing the impugned order, although the reply is inadequate.

11. Since the Petitioner is before this Court long after the impugned order has been passed on 28.10.2022, therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the case is remitted back to the first Respondent to pass a fresh order subject to the Petitioner depositing 25% 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.

12. Within such time, the Petitioner shall also file a proper reply to the Show Cause Notice in GST DRC-01 dated 22.08.2022 together with requisite documents to substantiate the case by treating the impugned Order dated 28.10.2022 as an addendum to the Show Cause Notice dated 22.08.2022.

13. In case the Petitioner complies with the above stipulations, the first 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 vacated.

14. It is made clear that bank attachment shall be lifted subject to the deposit of 25% of the disputed tax as ordered above and the Petitioner is not in arrears of any other amount barring the amount demanded under the impugned Order.

15. In case the Petitioner fails to comply with any of the stipulations, the first 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.

16. Needless to state, before passing any such order, the 1st Respondent shall give due notice to the Petitioner.

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

11.11.2025

Neutral Citation : Yes / No

jas

To:

1.The Assistant Commissioner (ST)(FAC),
Hosur (South) – III,
Hosur, Tamil Nadu – 635 109.

2.The Manager,
Federal Bank
Denkanikottai Branch
Building No.89, 90 Nehru Street,
Denkanikottai,
Krishnagiri – 635 107.

C.SARAVANAN, J.

jas

W.P.No.42693 of 2025
and
W.M.P.Nos.47762 and 47763 of 2025

11.11.2025