IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No. 43383 of 2025
and
WMP.Nos.48556 & 48558 of 2025

Tvl.Chrysos Impex
Rep by its Proprietor
Mr.K.Sivanesan
No.79, 2nd street, Jagajeevan Ram Nagar
Vyasarpadi, Chennai, Tamil Nadu 600 039 ….Petitioner

Vs.

Assistant Commissioner (State Tax)
Washermenpet Assessment Circle
Integrated Commercial Taxes Offices Building
Chennai North Division, No.32, Elephant Gate
Bridge Road, Chennai 600 003 . ..Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records on the files of the respondent herein in his proceeding in FORM GST DRC-07 with Ref.No.ZD330224177046M dated 28.02.2024 issued along with detailed order in GSTIN:33ILOPS9291A1ZK/2021-22 dated 28.02.2024 for the tax period APR 2021-MAR 2022 and quash the same.

For Petitioner : Mr.B.Syed Abdul Wakeel

For Respondent : Mr.TNC.Kaushik
Additional Government Pleader

ORDER

Mr.TNC.Kaushik, learned Additional Government Pleader 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. The petitioner is before this court against the impugned order dated 28.02.2024. The impugned order has preceded a notice in DRC 01 dated 20.07.2023 for the tax period 2021- 2022 to which the petitioner has not replied.

4. By the said impugned order, following amount has been confirmed as tax towards CGST and SGST together with interest and penalty as detailed below:

ACT	TAX	PENALTY	INTEREST (20.04.2021 TO 27.02.2024)	TOTAL
CGST	977107	97711	678765	1753583
SGST	977107	97711	678765	1753583
IGST	0	0	0	0
TOTAL	1954214	195421	1357530	3507166

5. Learned counsel for the petitioner submits that the disputed tax towards SGST has already been recovered from the petitioner's electronic credit ledger on various dates.

6. Learned counsel for the Respondent, however unable to confirm the same.

7. 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 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.

8. In case the aforesaid amount has already been recovered from and out of Petitioner’s SGST account as has been stated by the Petitioner, no further deposit will be required for the purpose of denovo proceedings. This will be however subject to the verification by the Respondent.

9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in Form GST DRC-01 dated 20.07.2023 together with requisite

documents to substantiate the case by treating the impugned Order dated 28.02.2024 as an addendum to the Show Cause Notice dated 20.07.2023.

10. 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 vacated.

11. It is made clear that bank attachment shall be lifted subject to the deposit of 25% of the disputed tax as ordered above and no other amount is in arrears barring the amount demanded under the impugned Order.

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.

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.

17.11.2025

Neutral Citation : Yes / No
gv

C.SARAVANAN.,J

gv

<u>To</u>:

Assistant Commissioner (State Tax)
Washermenpet Assessment Circle
Integrated Commercial Taxes Offices Building
Chennai North Division, No.32, Elephant Gate
Bridge Road, Chennai 600 003

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