IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.46118 of 2025
and
W.M.P.Nos.51426 and 51428 of 2025

M/s Singam Worldwide,
Rep.by its Managing Partner,
Mr.Gnanavelraja,M/48,
No.382, 10th Floor,
Seethakathi Business Centre,
Anna Salai,
Chennai – 600 002. ... Petitioner

Vs.

1. The Assistant Commissioner of
   Commercial Taxes, (ST),
   Annasalai Assessment Circle,
   No.1, PAPJM Annex Building,
   4th Floor, Greams Road,
   Chennai – 600 006.

2. The Commissioner of
   Commercial Tax,

4th Floor, Ezhilagam Building,
Kamarajar Road, Chepauk,
Chennai – 600 005. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the proceedings of the first respondent in Reference No:ZD331223266165N dated 29.12.2023 and also the proceedings in Ref: GSTIN:33ADGFS7538E1Z0 Year:2024 dated 08.10.2025 and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.K.Chandrasekaran

For Respondents : Mrs.P.Selvi, Government Advocate

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ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned counsel for the respondents, following the consistent view taken under similar circumstances.

2. In this Writ Petition, the petitioner has challenged the impugned order dated 29.12.2023 passed by the 1st respondent under Section 73 of the respective

GST Enactments which was preceded a Show Cause Notice in DRC-01 dated 28.09.2023. The petitioner failed to respond to the Show Cause Notice and thus suffered the impugned order.

3. The petitioner's GST registration was cancelled on 21.12.2023. It is submitted that the petitioner had closed its business in August 2023. However, the impugned order came to be passed after the issuance of the above notices and intimation.

4. It is stated that the petitioner did not file any reply or pay the tax, and thus the impugned order was passed. There is no proper explanation from the petitioner for approaching this Court belatedly. It also appears that recovery proceedings have been initiated by the first respondent under Section 79(1)(c) of the Act vide Notice dated 08.10.2025. In these circumstances, the petitioner has approached this Court.

5. There is no justification for not challenging the impugned order before the appellate authority at an earlier point of time, nor is there any explanation for not filing a reply either to the Show Cause Notice in DRC-01 dated 28.09.2023. The tax demanded is Rs. 31,98,742/- and together with interest and penalty amounts to Rs. 57,64,920/-.

6. Therefore, to balance the interest of the parties viz., the Revenue and the assessee and considering the fact that the order was passed during December 2023, the impugned orders are quashed and the case is remitted back to pass a fresh order on merits subject to the petitioner depositing 50% of the disputed tax, i.e., 15,99,371/-, within a period of 60 days from the date of receipt of a copy of this order.

7. Within the said period, the petitioner shall also file its reply to the Show Cause Notice dated 28.09.2023 by treating the impugned order dated 29.12.2023 as an addendum to the Show Cause Notice. This order is consistent with the view taken under similar circumstances, with slight modification considering the predicament that the petitioner had closed its business prior to the issuance of the impugned order.

8. In case the Petitioner complies with the above stipulations, the 1st 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.

9. In case the Petitioner fails to comply with any of the stipulations, the 1st 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.

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

11. The Writ Petition is disposed of with the above observations. No costs. Consequently, the connected W.M.Ps are closed.

03.12.2025

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Neutral Citation : Yes / No

To:

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   Commercial Taxes, (ST),
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   Chennai – 600 006.

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C.SARAVANAN, J.

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