WP No. 46230 of 2025

and W.M.P.Nos.51555 & 51557 of 2025

C.SARAVANAN, J.

This case was listed today under the caption ‘for being mentioned’ at the instance of the learned counsel for the petitioner.

2.It is submitted by the learned counsel for the petitioner that there is an error in the order dated 26.11.2025 in as much as it directs the petitioner to furnish a bank guarantee for the balance tax confirmed vide the impugned order in addition to a pre-deposit of 5% of the disputed tax in case for *de novo* adjudication.

3.It is further submitted by the learned counsel for the petitioner that while disposing the Writ Petition, the Court had directed to furnish a Bank Guarantee for 5% of the disputed tax in addition to a pre-deposit of 5% of the disputed tax confirmed by the impugned order and there has been a typographical error in the order dated 26.11.2025.

4.The learned counsel for the petitioner has also filed a Memo dated 12.02.2026 to that effect.

5.The learned Special Government Pleader for the Respondent raises no objection for the above contention and also confirms the same.

6.Recording the above, Paragraph No. 6 of the order dated 26.11.2025 shall be deleted and substituted as follows:-

> *“**6.** Have considered the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader for the Respondent.*
>
> ***7.** Following the consistent view taken by this Court under similar circumstances, the impugned order is quashed and the case is remitted back to the Respondent to pass a fresh order on merits, subject to the petitioner pre-depositing 5% of the disputed tax and furnishing a Bank Guarantee for another 5% of the disputed tax confirmed by the impugned order within a period of 30 days from the date of receipt of a copy of this order.*
>
> ***8.** Within such time, the petitioner shall also file a reply to the Show Cause Notice in Form GST DRC-01 dated 23.04.2024 along with requisite documents to substantiate the case by treating the impugned order as an addendum to the Show Cause Notice in Form GST DRC-01 dated 23.04.2024.*
>
> ***9**. In case the petitioner complies with the above stipulation, 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 months of such pre-deposit. Subject to the petitioner complying with the above stipulation, the attachment of the bank account of the petitioner, if any shall also stand automatically vacated.*
>
> ***10.** It is made clear that the bank attachment of the petitioner shall be lifted subject to the petitioner complying with the above stipulation and the petitioner not being in arrears of any other amount for any other tax period barring the amount confirmed by the impugned order.*
>
> ***11**. In case the petitioner fails to comply with the above stipulation, it will be deemed as if the present Writ petition was dismissed in limine today and the respondent shall be at liberty to proceed against the petitioner.*
>
> ***12**. Needless to state, that the petitioner shall be heard before passing any such final order.”*

7.Paragraph No. 7 of the order dated 26.11.2025 shall be re-numbered accordingly. The other aspects of the order dated 26.11.2025 shall remain unaltered.

8.Registry is directed to carry out the necessary corrections and issue fresh order copies to the parties.

18.02.2026

GSA

C.SARAVANAN, J.

GSA

WP No. 46230 of 2025

and W.M.P.Nos.51555 & 51557 of 2025

18.02.2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 46230 of 2025

and W.M.P.Nos.51555 & 51557 of 2025

M/s. Sakthi Engineers,
Represented By Its Partner A Nagarathinam,
No.64, Perumapalayampudur,
Dhalavaaipettai, Bhavani Taluk,
Erode 638312.

..Petitioner

Vs

The Assistant Commissioner (ST) (FAC),
Bhavani Assessment Circle,
Erode.

..Respondent

PRAYER - This Writ Petition is filed under Article 226 of the Constitution of India, seeking Writ of Certiorari, calling for the records of the respondent in his proceedings in GSTIN / 33ABDFS2981C1ZE/2022-23, quash the order dated 22.10.2025 passed therein.

For Petitioner:	Mr.P.V.Sudakar
For Respondent:	Mr.C.Harsharaj, Special Government Pleader

ORDER

Mr.C.Harsharaj, learned Special Government Pleader takes notice for the Respondent.

2.The Petitioner is before this Court against the impugned order dated 22.10.2025 passed by the Respondent for the tax period 2022-23. The impugned order has preceded a show cause notice in GST DRC-01 dated 23.04.2024. The impugned order has been passed after giving three reminders apart from six opportunities granted to the Petitioner.

3.The case of the Petitioner is that the Managing Partner of the Petitioner's firm namely R.Anandamoorthy died on 19.03.2023. It is submitted that after the death of the Managing Partner, the firm was re-constituted and the business was being carried on by the wife of R.Anandamoorthy along with deponents namely A.Nagarathinam, the wife of late R.Anandamoorthy. It is submitted that there is large scale irregularity in the impugned order as demand has been solely confirmed based only on the difference between the amounts in GSTR-07 and the amount declared in GSTR-3B and GSTR-9.

4.The learned counsel for the Petitioner would submit that the difference that has been arrived is Rs.11,20,76,705/- and the tax demanded is Rs.1,00,86,903/- towards SGST and an equal amount towards CGST together with interest and penalty. It is submitted that the Petitioner firm has not been able to carry on business after the demise of R.Anandamoorthy and therefore, the Petitioner may be given an opportunity to explain the case afresh.

5.Learned Special Government Pleader for the Respondent submits that the Petitioner has an alternate remedy and therefore, the Petitioner should workout the remedy before the appellate forum or in alternative, atleast to pay 10% of the disputed tax as has been ordered under similar circumstances.

6.Having considered the submissions made by the learned counsel for the Petitioner and the learned Special Government Pleader for the Respondent and following the constructive view taken in the similar circumstances, the Writ Petition is liable to be disposed of at the time of admission, subject to the Petitioner depositing 5% of the disputed tax in cash within a period of 30 days from the date of receipt of a copy of this order and on furnishing a Bank Guarantee for the balance tax within such time. In case the Petitioner fails to comply with the above stipulation, it will be deemed as if the present Writ Petition was dismissed *in limine,* in which case it is for the Petitioner to approach the Appellate Authority within the residue period prescribed under Section 107 of the Act.

C.SARAVANAN, J.

GSA

7.Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

26-11-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSA

To

The Assistant Commissioner (ST) (FAC),
Bhavani Assessment Circle,
Erode.

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