IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.47291 of 2025
and
W.M.P.Nos.52807 and 52808 of 2025

Tvl.Sri Balaji Enterprises
Rep by its Proprietor
M.Murugesan. ... Petitioner

Vs.

1.The Assistant Commissioner (ST)
Hosur (South) I
Hosur – 635 109.

2.The Assistant Commissioner (ST)(FAC),
Reveiw, Appeal and Legacy,
Krishnagiri – 635 104.

3.The Joint Commissioner (ST),
Hosur Division, Hosur – 635 109. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the connected records pertaining to the impugned proceedings of the 1st respondent herein made in reference No.GSTIN 33AKPRM9025A1Z9/2023-24 dated 10.09.2025 and quash the same as being without jurisdiction and authority of law.

For Petitioner : Mr.Manohar Sundaram

For Respondents : Ms.Amirtha Poonkodi Dinakaran
Government Advocate

ORDER

Ms.Amirtha Poonkodi Dinakaran, learned Government Advocate takes notice for the Respondents.

2. This Writ Petition is being disposed of at the stage of admission itself with the consent of the learned counsel for the Petitioner and the learned Government Advocate for the Respondents.

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 10.09.2025 in Form GST DRC – 07 passed for the tax period 2023 – 2024 passed by the 1st Respondent. By the impugned order, the demand that was proposed in the Show Cause Notice in Form GST DRC-01 dated 25.03.2025 has been confirmed.

4. It is noticed that the Petitioner has challenged the blocking of the Input Tax Credit in W.P.No.8139 of 2025 which is still pending. In view of the same, the Petitioner has taken time to respond to the aforesaid Show Cause Notice in DRC - 01.

5. By the impugned order, the Respondents have concluded as under:-

> *The taxpayer have also mentioned that you have enclosed bill wise details, vehicle Nos, through which the goods were transported and the e way bills generated for each consignment. All these documents were submitted by the taxpayer on repeated reminders on 10.09.2025. But to prove the genuineness of the movement of goods, CCTV footages, toll receipts and lorry receipts will also be required. Additionally, Bank statement showing the payment details to the respected supplier is required to prove the payment all these are not proved from the side of the taxpayer by required evidences.*
>
> *Hence, the above proposal is confirmed and the order has been passed under Section 74 of the TNGST Act, 2017 as per Show Cause Notice DRC 01.*

6. Accordingly, the Petitioner has been asked to pay the following amounts as tax liability for the tax period 2023 - 2024:-

Reversal of Inadmissible ITC

Tax Due **SGST Rs.7266403/-** **CGST Rs.7266403/-** **IGST Rs.0/-** Tax Paid **Balance**	**Rs.14532807/-** Rs.NIL **Rs.14532807/-**
Penalty @ 100% u/s 74 **Penalty Due** **SGST Rs.7266403/-** **CGST Rs.7266403/-** **IGST Rs.0/-** Penalty Paid **Balance**	 **Rs.14532807/-** Rs.Nil **Rs.14532807/-**

Interest @ 18% under Section 50(1) from 20.04.2024 **Interest Due** **SGST Rs.1813216/-** **CGST Rs.1813216** **IGST Rs.0/-** Interest Paid **Interest Due**	 **Rs.3626433/-** Rs.Nil **Rs.3626433/-**

7. The reasons given in the impugned order indicates that there is an application of mind by the Respondent while passing the impugned order. The Petitioner has merely produced the invoices and e-way bill, however, the Petitioner has not produced any other documents to substantiate that indeed there was movement of goods.

8. Considering the same, I find no merits in this Writ Petition. However, liberty is granted to the Petitioner to file a statutory appeal before the Appellate Commissioner within a period of thirty days from the date of receipt of a copy of this order. It is open for the Petitioner to substantiate the reply with the documents and canvass the issues before the Appellate Commissioner.

9. In case, the Petitioner files the appeal within such time, the Appellate Commissioner shall consider and dispose of the appeal on merits

without reference to limitation within a period of thirty days from the date of receipt of a copy of this order.

10. In case, the Petitioner fails to comply with any of the stipulations, the Respondents are 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.

11. Needless to state, before passing any such order, the Respondents shall give due notice to the Petitioner.

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

09.12.2025

Neutral Citation: Yes / No
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C.SARAVANAN, J.

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