



WEB COPY



W.P.No.46527 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.46527 of 2025

and

W.M.P.Nos.51906 and 51907 of 2025

Essari Bearings Private Limited,
Represented by its Director,
Sundar.

... Petitioner

Vs.

The Deputy State Tax Officer - I,
Porur Assessment Circle,
Integrated GST Building,
No.4/109, Chennai – Bangalore Highway,
Varadharajapuram, Nazarathpet,
Poonamallee – 600 123.

... 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 of the Respondent herein in impugned order in Form DRC – 07 having reference



W.P.No.46527 of 2025

No.ZD3304250302032 dated 03.04.2025 passed under Section 73 of the Tamilnadu Goods and Service Tax Act, 2017 read with Central Goods and Service Tax Act, 2017 herein after referred to as GST Act, 2017 and quash the same.

For Petitioner : Mr.T.Suresh

For Respondent : Ms.Amirtha Poonkodi Dinakaran
Government Advocate

ORDER

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

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 Respondent.

3. In this Writ Petition, the Petitioner has challenged the impugned



W.P.No.46527 of 2025

Order dated 03.04.2025, which was preceded by a Show Cause Notice in GST DRC-01 dated 22.01.2025 wherein the Petitioner was called upon to appear for personal hearing. However, the Petitioner had not taken advantage of the same and thus, suffered the impugned Order dated 03.04.2025.

4. The Petitioner was also issued with Reminder on 12.03.2025, which called upon the Petitioner to file a reply and to appear for a personal hearing. The Petitioner however neither filed any reply nor appeared for the personal hearing fixed on 19.03.2025. Thus, the impugned Order has been passed.

5. It is noticed that the limitation for filing an appeal under Section 107 of the respective GST enactments, 2017 against the impugned Order has already expired. The present Writ Petition has been filed only on 24.11.2025.

6. Under similar circumstances, Order has been quashed and case



W.P.No.46527 of 2025

WEB COPY

has been remitted back to the Respondent to pass a fresh order on terms subject to such Assessee depositing 25% to 100% of the disputed tax depending upon the length of delay in approaching the Court. I do not find any reason to take a different view in this case.

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. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 22.01.2025 together with requisite documents to substantiate the case by treating the impugned Order dated 03.04.2025 as an addendum to the Show Cause Notice dated 22.01.2025.



W.P.No.46527 of 2025

WEB COPY

9. 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.

10. 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.

11. 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.



W.P.No.46527 of 2025

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

13. This Writ Petition stands disposed of with the above observations.

No costs. Connected Writ Miscellaneous Petitions are closed.

27.11.2025

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To:

The Deputy State Tax Officer - I,
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WEB COPY



W.P.No.46527 of 2025

C.SARAVANAN, J.

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W.P.No.46527 of 2025

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W.P.No.46527 of 2025

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