



W.P.No.47885 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.47885 of 2025

and

W.M.P.Nos.53487 and 53488 of 2025

Karnish Motors Private Ltd,
Rep by its Director,
K.S.Saravanan.

... Petitioner

Vs.

The State Tax Officer,
Roving Squad-II / Adjudication Intelligence,
3rd Floor, Commercial Taxes Office Building,
Pitchards Road,
Hasthampatty, Salem – 636 007.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records in the impugned order in original vide GSTIN No.33AAHCK6361J1ZD/2023-24 dated 05.04.2025 along with the connected DRC-07 Ref.No.ZD330425055259C dated 05.04.2025 on the file of the Respondent, as it is arbitrary and issue a consequential direction to the Respondent to hear the Petitioner on merits and allow rectification if any, before passing the order.



W.P.No.47885 of 2025

For Petitioner : M/s.P.Jayalakshmi
For Respondent : Mr.C.Harsharaj
Special Government Pleader

ORDER

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

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 05.04.2025, which was preceded by a Show Cause Notice in GST DRC-01 dated 11.12.2024 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 05.04.2025.

4. 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 04.12.2025.



W.P.No.47885 of 2025

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5. Under similar circumstances, Orders have been quashed and cases have 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.

6. 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 on merits 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.

7. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 11.12.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 05.04.2025 as an addendum to the Show Cause Notice dated 11.12.2024.

8. In case the Petitioner complies with the above stipulations, the Respondent shall proceed to pass a final order on merits and in accordance



W.P.No.47885 of 2025

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.

9. It is made clear that bank attachment shall be lifted subject to the deposit of 25% of the disputed tax as ordered above and the Petitioner is not in arrears of any amount barring the amount demanded under the impugned Order.

10. 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.

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



W.P.No.47885 of 2025

WEB COPY 12. This Writ Petition stands disposed of with the above observations.

No costs. Connected Writ Miscellaneous Petitions are closed.

15.12.2025

Neutral Citation: Yes / No
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To:

The State Tax Officer,
Roving Squad-II / Adjudication Intelligence,
3rd Floor, Commercial Taxes Office Building,
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W.P.No.47885 of 2025

C.SARAVANAN, J.

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W.P.No.47885 of 2025

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