IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.47447 of 2025
and
W.M.P.Nos.52973 and 52974 of 2025

M/s. JNL Agency and Trading,
represented by its Partner Annamchetti Latha,
10th Avenue, No.14-15 Harrington Road,
Chetput, Chennai – 600 030. ... Petitioner

Vs.

1. The State Tax Officer,
   Amaindakarai Assessment Circle,
   No.1 PAPJM Building Annex,
   3rd floor, Greams Road, Chennai – 600 006.

2. The Deputy Commissioner (ST) (FAC),
   Central – II, 3rd Floor, PAPJM Building Annex,
   Greams Road, Chennai – 600 006. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records of the first respondent in his proceedings in Reference No.33AAMFJ4025G1ZL/2020-21, quash the order dated 11.06.2025 passed therein.

For Petitioner : Mr.B.Raveendran
For Respondents : Ms. K. Vasanthamala
Government Advocate

ORDER

Ms. K. Vasanthamala, learned Government Advocate, takes notice for the Respondents.

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

3. In this Writ Petition, the Petitioner has challenged the order dated 11.06.2025 in DRC-07 passed for the tax period 2020-2021 by the 1st respondent under Section 74 of the respective GST enactments. The impugned order preceded a Show Cause Notice in Form GST DRC – 01 dated 11.09.2023 to which the petitioner failed to reply and thus suffered the impugned order.

4. Pursuant to the impugned order, a recovery notice dated 27.10.2025 in Form GST DRC – 13, was issued by the second respondent under Rule 145 (1) read with Section 79 (1) (c) of the respective GST enactments. As per the said notice, against a tax liability of Rs.9,58,048/-, the entire amount was recovered on 18.11.2025 by debit from the Petitioner's Electronic Cash Ledger from the

period between 01.09.2025 and 21.11.2025.

5. The impugned order is an exparte order, as no proper reply was submitted by the petitioner to the Show Cause Notice in Form GST DRC – 01 dated 11.09.2023. Therefore, the petitioner seeks that the case may be remitted back to the 1st respondent for passing a fresh order.

6. As far as the recovery proceedings initiated vide Form GST DRC – 13 dated 27.10.2025 are concerned, the petitioner appears to be in arrears of tax pursuant to an order dated 23.03.2023, whereby the petitioner was directed to pay interest amounting to Rs.5,12,747/-.

7. The learned counsel for the petitioner submits that the interest calculation made vide the aforesaid order for the tax period April 2021 to March 2022 is incorrect. It is further submitted that the petitioner has already paid a sum of Rs.2,84,119/- on 17.08.2023 vide Form GST DRC-03 dated 17.08.2023. It is further submitted that the petitioner has also filed an application under Section 161 of the respective GST enactments on 18.08.2023 seeking rectification of the aforesaid order.

8. Having consider the submissions made by the learned counsel for the petitioner and learned Government Advocate for the respondents and taking into account the fact that the entire tax amount has already been recovered from the petitioner on 18.11.2025, there appears to be no impediment in quashing the impugned order and remitting the case back for *de nono* proceedings.

9. Accordingly, the impugned order is quashed and the case is remitted back to the 1st respondent to pass a fresh order on merits, subject to the Petitioner filing a reply to the Show Cause Notice in Form GST DRC-01 dated 11.09.2023 together with requisite documents to substantiate the case by treating the impugned Order dated 11.06.2025 as an addendum to the Show Cause Notice dated 11.09.2023 within a period of thirty (30) days from the date of receipt of a copy of this order.

10. In case the Petitioner complies with the above stipulation, the first Respondent shall proceed to pass a fresh 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.

11. In case the Petitioner fails to comply with any of the stipulation, the first 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.

12. Needless to state, before passing any such order, the first Respondent shall give due notice to the Petitioner. The petitioner is directed to cooperate with the respondents in the *de nono* proceedings.

13. As far as the recovery proceedings initiated in Form GST DRC – 13 dated 27.10.2025 are concerned, this Court directs that the same shall be kept in abeyance until further orders in the *de nono* proceedings. This direction is issued pursuant to the matter being remitted back to the first respondent to pass a fresh order for the tax period April 2020 to March 2021.

14. Further, the first respondent is directed to consider and dispose of the petitioner's application dated 18.08.2023, seeking rectification of order dated 23.03.2023 relating to the tax period 2021-2022 on merits, wherein the petitioner was directed to pay a sum of Rs.5,12,747/- towards interest liability.

15. Considering the fact that the petitioner has already paid the admitted interest liability of Rs.2,84,119/- on 17.08.2023, the first respondent shall endeavour to pass appropriate orders in both matters separately and expeditiously as possible.

16. Thereafter, if any tax remains payable by the petitioner, the first respondent is at liberty to proceed against the petitioner with recovery proceedings in accordance with law.

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

04.12.2025

Index : Yes/No
Neutral Citation : Yes/No

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C.SARAVANAN, J.

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