IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.47570 of 2025
and
W.M.P.Nos.53096 and 53097 of 2025

Tvl.Harrsha Infra Cons Private Limited,
Rep by its Authorized Signatory-V
Sriram. ... Petitioner

Vs.

The State Tax Officer,
Office of the Commercial Tax Officer,
Koyambedu Assessment Circle,
Chennai. ... 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 impugned proceedings of the Respondent in GSTIN:33AADCH2890P1Z6/2020-21 dated 10.02.2025 and the consequential Summary Order of the impugned proceedings vide Form GST DRC – 07 in Reference No.ZD3302250909755 dated 10.02.2025 for the Tax Period April 2020 – March 2021 quash the same.

For Petitioner : Mr.S.Rajasekar

For Respondent : Mr.V.Prashanth Kiran
Government Advocate

ORDER

Mr.V.Prashanth Kiran, learned Government Advocate takes notice for the Respondent.

2. This Writ Petition is disposed of at the time of admission after recording the statement of the learned counsel for the Petitioner and the learned Government Advocate for the Respondent.

3. The learned counsel for the Petitioner submits that the Petitioner is willing to deposit 25% of the disputed tax.

4. The learned counsel for the Petitioner had made an attempt to demonstrate that the demand for the period November 2020 – Decemer 2020 were dropped earlier by two separate proceedings dated 09.08.2024 and 04.09.2024 and therefore for the purpose of pre-deposit from the total tax demand of Rs.25,64,822 - 13,37,194 (6,68,597 x 2) should be excluded and

the Petitioner may be directed to pre-deposit of 25% of the balance amount of Rs.12,27,628/- (Rs.25,64,822 – Rs.13,37,194/-).

5. On the other hand the learned Government Advocate for the Respondent would submit that both orders dated 09.08.2024 and 04.09.2024 dropping the demand are brought with contradictions and the Petitioner has not substantiate the movement of goods as is required as per the decision of the Hon'ble Supreme Court in ***State of Karnataka*** Vs. ***Ecom Gill Coffee Trading Private Limited*** reported in ***2023 SCC Online SC 248*** which was also followed by this Court in ***Sahyadri Industries Limited*** Vs. ***State of Tamil Nadu*** reported in ***(2023) 1 HCC (Mad) 703***.

6. Since there are several disputed question of facts and considering the fact that the Petitioner has not replied to the Show Cause Notice, the case is remitted back to the Respondent in the light of the undertaking given by the Petitioner that the Petitioner was willing to deposit 25% of the disputed tax.

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 24.11.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 10.02.2025 as an addendum to the Show Cause Notice dated 24.11.2024.

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 the Petitioner is not being in arrears of any other amount 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.

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.

04.12.2025

Neutral Citation: Yes / No
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To:

The State Tax Officer,
Office of the Commercial Tax Officer,
Koyambedu Assessment Circle,
Chennai.

C.SARAVANAN, J.

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