



W.P.No.47596 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.47596 of 2025

and

W.M.P.Nos.53114 and 53115 of 2025

Fluoro Carbon Seals,
Rep by its Managing Director – G.Munusamy,
3/429, Pillaiyar Koil Street, Mettukuppam,
Kancheepuram, Tamilnadu – 600 097.

... Petitioner

Vs.

The Assistant Commissioner (ST)
Sholinganallur Assessment Circle,
Chennai, Tamil Nadu.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records relating to the impugned proceedings passed by the respondent in order vide GSTIN No.33AGPPM4610H2ZG/2020-2021 dated 08.02.2025 along with consequential summary of order in FORM GST DRC 07 bearing Ref No.ZD330225081753G dated 08.02.2025 passed under Section 73 of the act, for FY 2020-21 to quash the same.

For Petitioner : Mr.J.R.Devanand
For Respondent : Mrs.P.Selvi
Government Advocate



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ORDER

Mrs.P.Selvi, learned Government Advocate, takes notice for the Respondent.

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 Respondent.

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 08.02.2025, which was preceded by a Show Cause Notice in Form GST DRC-01 dated 25.11.2024 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 08.02.2025.

4. The Petitioner was also issued with Reminders on 07.01.2025, 13.01.2025 and 22.01.2025, which called upon the Petitioner to file a reply and to appear for a personal hearing. However, the Petitioner neither filed any reply nor appeared for the personal hearing despite multiple opportunities. Thus, the impugned Order has been passed.



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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 03.12.2025.

6. Under similar circumstances, Orders have been quashed and cases have been remitted back 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 Form GST DRC-01 dated 25.11.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 08.02.2025 as an addendum to the Show Cause Notice dated 25.11.2024.



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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 raised/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 in arrears of any 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.



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

No costs. Connected Writ Miscellaneous Petitions are closed.

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Index : Yes/No

Neutral Citation : Yes/No

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To:

The Assistant Commissioner (ST)
Sholinganallur Assessment Circle,
Chennai, Tamil Nadu.



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C.SARAVANAN, J.

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