IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.No.48728 of 2025
and
W.M.P.Nos.54408 and 54410 of 2025

SK Steels
Represented by its Proprietor
Karthikeyan Subramaniam,
6/39, Amani Kondalampatti,
Divya Theatre Back Side,
Salem, Tamil Nadu – 636 010 ... Petitioner

-Vs-

The Assistant Commissioner (ST)
(also known as the Commercial Tax Officer)
Kondalampatty Assessment Circle,
3rd Floor, Commercial Taxes Office Building,
Pitchards Road, Hasthampatty, Salem-7. ….Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records on the files of the respondent herein in GSTIN/33DSZPK5768P1ZF/2018-19 in FORM GST DRC-07 in Order Reference No.ZD330424053526J dated 05.04.2024 and quash the same.

For Petitioner : Mr.B.Syed Abdul Wakeel
For M/s.Siri Chandana.K

For Respondent : Mr.V.Prashanth Kiran,
Government Advocate

****

ORDER

The petitioner is before this Court challenging the order dated 05.04.2024 in Form GST DRC-07 passed for the tax period 2018-2019 which was preceded by a Show Cause Notice in DRC-01 dated 28.12.2023 to which the petitioner failed to reply and thus suffered the impugned order.

2. The learned counsel for the petitioner submits that the petitioner failed to file a reply to the Show Cause Notice in DRC-01 that preceded the impugned order and therefore suffered the impugned order. It is further submitted that a part of the demand is confirmed by the impugned order against the petitioner under Section 65 of the respective GST Enactments.

3. Insofar as Defect No.3 in the Show Cause Notice is concerned, it is submitted that the petitioner has paid the entire disputed tax and has not disputed the same. As regards Defect Nos.1 and 2 is concerned, it is submitted that the petitioner may be given an opportunity to respond to the Show Cause Notice in DRC-01 dated 28.12.2024.

4.Insofar as Defect No.4 is concerned, the issue is *prima facie* settled in favour of the petitioner by way of statutory intervention by insertion of Section 16(5) and 16(6) to the respective GST Enactments by the Finance (No.2) Act, 2024 (Act 15 of 2024) dated 16.08.2024 w.e.f 01.07.2017.

5. The learned counsel for the respondent, however, is unable to confirm whether insofar as Defect No.3 is concerned, the petitioner has accepted the liability and discharged the tax liability. However, it is submitted that this Court may pass appropriate orders by remitting the case back, subject to terms to be imposed on the petitioner.

6. Considered the submissions made by the learned counsel for the petitioner and the learned counsel for the respondent.

7. Following the consistent view taken under similar circumstances, the impugned order is quashed and the case is remitted back to the Respondent to pass a fresh order on merits, subject to the petitioner depositing 50% of the disputed tax insofar as Defect Nos.1 and 2 are concerned within a period of 30 ddays from the date of receipt of a copy of this order.

8. Insofar as Defect No.3 is concerned, the petitioner shall not be required to deposit 50% of the disputed tax, subject to the petitioner providing adequate proof to the respondent that the petitioner has already discharged the tax liability.

9. In the result, there shall be a direction to the petitioner to deposit 50% of the disputed tax insofar as Defect Nos.1 and 2 are concerned within such time as ordered above. Any amount already recovered towards the tax liablity on account of Defect Nos.1 and 2 are concerned, shall be adjusted towards the pre-deposit of 50% as ordered above.

10. The petitioner shall also deposit 50% of the disputed tax in respect of Defect No.3, if no payment has already been made by the petitioner towards the said tax liability. Insofar as Defect No.4 is concerned, the petitioner shall file a suitable application as may be required under the relevant notification read with Section 16 of the respective GST Enatments.

11. Upon the petitioner complying with the above stipulations, the respondent shall proceed to pass a final order on merits and in terms of the notification issued under Sections 16(5) and 16(6) of the respective GST enactments excluding the period of limitation as expeditiously as possible, within a period of three months from the date of receipt of a copy of this order.

12. Subject to the petitioner complying with the above stipulations, the attachment of the petitioner's bank account shall stand automatically raised/vacated.

13. In the event of failure on the part of the petitioner to comply with any of the above stipulations, the respondent shall be at liberty to proceed against the petitioner to recover the tax in accordance with law, as if this writ petition had been dismissed in *limine* today.

14. This writ petition stands disposed of with the above observations. No costs. Consequently, the connected writ miscellaneous petitions are closed.

16.12.2025

nvi

Neutral Citation : Yes/No

To
The Assistant Commissioner (ST)
(also known as the Commercial Tax Officer)
Kondalampatty Assessment Circle,
3rd Floor, Commercial Taxes Office Building,
Pitchards Road, Hasthampatty, Salem-7.

C.SARAVANAN, J.

nvi

W.P.No.48728 of 2025 and
W.M.P.Nos.54408 and 54410 of 2025

16.12.2025