IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.47676 & 47692 of 2025
and
W.M.P.Nos.53220, 53223, 53234 & 53235 of 2025

Anandcine Service Private Limited
Represented by its Director
Thiru.Manohar Prasad Akkineni
No.3, Sarangapani Street
T.Nagar, Chennai 600 017. ... Petitioner in both W.P.Nos.

Vs.

1.State Tax Officer
Pondy Bazaar Assessment Circle
No.46, Greenways Road
Mylapore Taluk Office
Chennai 600 028.

2.Deputy Commissioner (ST)
GST Appeal, Chennai 1
Main Building, II Floor
Room No.210
No.1, Greams Road
Chennai 600 006. ... Respondents in both W.P.Nos.

Prayer in W.P.No.47676 of 2025: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of impugned order under Section 73 dated 07.01.2025 having Reference No.ZD330125050882M passed by the 1st respondent for the financial year 2020-21 and the impugned order in Form GST APL-02 dated 21.07.2025 having reference number: ZD330725224035P passed by the second Respondent and quash the same as illegal, erroneous on facts and violative of principles of Natural Justice and consequently direct the second respondent to condone the delay in filing the appeal and thereby directing to consider the matter afresh on merits after providing an opportunity of personal hearing.

Prayer in W.P.No.47692 of 2025: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of impugned order under Section 73 dated 12.02.20255 having Reference No.ZD330225111653V passed by the 1st respondent for the financial year 2020-21 and the impugned order in Form GST APL-02 dated 22.07.2025 having reference number: ZD330725227345F passed by the second Respondent and quash the same as illegal, erroneous on facts and violative of principles of Natural Justice and consequently direct the second respondent to condone the delay in filing the appeal and thereby directing to consider the matter afresh on merits after providing an opportunity of personal hearing.

For Petitioner in both W.P.Nos. : Mr.T.Suresh

For Respondents in both W.P.Nos. : Mr.T.N.C.Kaushik
Additional Government Pleader

COMMON ORDER

Mr.T.N.C.Kaushik, learned Additional Government Pleader takes notice for the Respondents.

2. By this common order, both these Writ Petitions are being disposed of at the stage of admission itself with the consent of the learned counsel for the Petitioner and the learned Additional Government Pleader for the Respondents.

3. In W.P.No.47676 of 2025 the petitioner has challenged the exparte order dated 07.01.2025 passed under Section 73 of the respective GST enactments by the 1st respondent after the petitioner's appeal against the aforesaid order was rejected by the second respondent vide order dated 21.07.2025.

4. The entire demand that has been confirmed vide impugned order dated 07.01.2025 pertains to belated availing of the Input Tax Credit during

the tax period 2020-2021. This defect has now been cured by the statutory intervention by insertion of Section 16(5) and 16(6) to the respective GST enactments by the **Finance (No.2) Act, 2024 (15 of 2024)** dated **16.08.2024 vide SO 4253(E) with retrospective effect from 01.07.2017.** As such, the demand that has been confirmed vide impugned order dated 07.01.2025 is liable to be interfered with. Therefore, the case deserves to be remitted back.

5. It is noticed that the petitioner has already deposited 10% of the disputed tax confirmed vide impugned order dated 07.01.2025 at the time of filing an appeal on 09.06.2025 i.e., a sum of Rs.4,93,420/- towards the tax liability for the tax period 2020-2021.

6. For the same period tax demand also been confirmed against the petitioner vide order dated 12.02.2025 impugned in W.P.No.47692 of 2025. However, there, the demand has been confirmed in respect of 8 defects/discrepancies pointed out in the Show Cause Notice in DRC-01 dated 24.11.2024.

7. It is noted that defect No.4 in the impugned order dated 12.02.2025 also pertains to belated availing of Input Tax Credit between

April, 2020 and March, 2021 which stands cured by the aforesaid statutory intervention vide **Finance (No.2) Act, 2024 (15 of 2024) dated 16.08.2024 vide SO 4253(E) with retrospective effect from 01.07.2017.**

8. The impugned order dated 12.02.2025 in W.P.No.47692 of 2025 is also an exparte order as the petitioner failed to reply to the Show Cause Notice in DRC-01 dated 24.11.2024. After the aforesaid impugned order was passed, the petitioner had also filed a statutory appeal before the second respondent on 24.06.2025 and deposited a sum of Rs.13,02,994/- being 10% of the disputed tax as confirmed vide impugned order dated 12.02.2025.

9. Therefore, the impugned order dated 12.02.2025 also has to be set aside and remitted back partly in the light of the aforesaid statutory intervention.

10. 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 10% 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 these cases.

11. Considering the fact that the petitioner has deposited a sum of Rs.4,93,420/- and Rs.13,02,994/- being 10% of the disputed tax confirmed vide impugned order dated 07.01.2025 and 12.02.2025 respectively impugned in these Writ Petitions at the time of filing statutory appeal against the respective impugned orders, the cases are remitted back to the first respondent to redo the exercise and pass fresh orders in the light of the above statutory intervention subject to the petitioner depositing 25% of the disputed tax as confirmed vide impugned order dated 12.02.2025. However, for the purpose of pre-deposit of 25% as ordered above, the amounts already pre-deposited shall be adjusted.

12. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the cases are remitted back to the 1st Respondent to pass a fresh order subject to the Petitioner depositing 25% of the disputed tax as ordered above 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.

13. In case the Petitioner complies with the above stipulations, the 1st 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.

14. It is made clear that bank attachment shall be lifted subject to the petitioner depositing 25% of the disputed tax as ordered above and the petitioner not being in arrears of any other amount barring the amount demanded vide the impugned Orders.

15. In case the Petitioner fails to comply with any of the stipulations, the 1st Respondent is at liberty to proceed against the Petitioner to recover the tax in accordance with law as if this Writ Petitions were dismissed *in limine* today.

16. Needless to state, before passing any such order, the 1st respondent shall give due notice to the Petitioner.

C.SARAVANAN, J.

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

05.12.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No
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To:

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Chennai 600 028.

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