IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM

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

W.P.No.49025 of 2025
and
W.M.P.Nos.54753 and 54754 of 2025

Unicorn Valves Private Ltd.,
Rep by its Mr.Mahesh Kuriakose
Marichettipathy Road,
Nachipalayam,
Madukarai Taluk
Coimbatore – 641 032. ... Petitioner

-Vs-

The State Tax Officer (FAC),
Kuniyamuthur Assessment Circle,
Coimbatore. ….Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records and seeking quash of the impugned Order-in-Original vide GSTIN No.33AAACU9942Q1ZN/2019-20, dated 13.08.2024 along with the connected DRC-07 Ref.No.ZD3308241011602 dated 13.08.2024 on the file of the respondent, as it is arbitrary and bad in law, along with a consequential direction to the respondent to drop the proceedings considering the reversal of credit already initiated by the petitioner.

For Petitioner : M/s.Jayalakshmi.P

For Respondent : Mrs.P.Selvi,
Government Advocate

****

ORDER

In this writ petition, the petitioner has challenged the order dated 13.08.2024 in Form GST DRC-07 passed for the tax period 2019–2020 which was preceded by the Show Cause Notice in DRC-01 dated 22.11.2022. The petitioner replied on 27.02.2023 in Form GST ASMT-10.

2. By the impugned order, the demand proposed in the Show Cause Notice in Form DRC-01 dated 22.11.2022 has been confirmed against the petitioner as follows:-

(Amount in Rs.)

	Tax	Interest	Penalty	Others
CGST	15,81,771.00	0.00	1,58,177.00	0.00
SGST	15,81,771.00	0.00	1,58,177.00	0.00
Total	31,63,542.00	0.00	3,16,354.00	0.00

3. The learned counsel for the petitioner submits that on 17.02.2025 and 08.04.2025, a part of the tax liability confirmed vide the impugned order amounting to a sum of Rs.10,02,151/- and Rs.5,79,620/-, respectively, aggregating to Rs.15,81,771/- has been recovered from the petitioner.

4. It is further submitted by the learned counsel for the petitioner that the petitioner has also paid the tax for the return filed in Form GSTR-3B for the month of May 2020, with specific reference to Serial No. 4(B)(2), amounting to a sum of Rs.8,90,143.61/-

5. Acording to the petitioner, the petitioner has paid the following amounts:-

Date	**Type of Entry**	**IGST (Rs.)**	**CGST(Rs.)**	**SGST (Rs.)**	**Total (Rs.)**
May 2020	ITC Reversal in GSTR-3B (Col.4B(2))	6,61,601.52	8,90,143.61	8,90,143.61	24,41,888.74
17-02-25	Debit to Electronic Credit Ledger – CGST	-	-	-	10,02,151.00
08.04.25	Debit to Electronic Credit Ledger – IGST	-	-	-	5,79,620.00
				Total Paid Till Date	**40,23,659.74**

6. It is submitted that a sum of Rs.17,80,208.22 (8,90,143.61x2) was paid as against the total demand of Rs.31,63,542/- as confirmed in the impugned order over and above a sum of Rs.15,81,771/-.

7. The learned counsel for the respondent, however, submits that whether the tax amount paid during the month of May 2020 was towards the tax liability of the petitioner for the tax period 2019–2020 is required to be independently ascertained.

8. *Prima facie*, it is evident that the petitioner has already deposited a sum of Rs.15,81,771/-, from the Electronic Credit Ledger.

9. The limitation for filing an appeal under Section 107 of the respective GST enactments, 2017 against the impugned Orders has already expired as the present Writ Petition was filed only on 12.12.2025.

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 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.

11. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the impugned order is quashed and the case is remitted back to the Respondent to pass a fresh order subject to the Petitioner depositing 50% 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.

12. Needless to state, the amount already recovered from the petitioner pursuant to the impugned proceedings shall be adjusted towards the pre-deposit of 50% as ordered above.

13.Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 22.11.2022 together with requisite documents to substantiate the case by treating the impugned Order dated 13.08.2024 as an addendum to the Show Cause Notice dated 22.11.2022.

14. In the event 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 from the date of such reply/pre-deposit. Subject to the petitioner complying with the above stipulations, the attachment of the petitioner’s bank account shall also stand automatically raised/vacated.

15. The attachment of the petitioner’s bank account shall stand lifted, subject to the petitioner depositing 50% of the disputed tax and the petitioner not being in arrears of any other tax demand apart from the amount demanded under the impugned order.

16. In the event the petitioner fails 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.

17.Needless to state, before passing any such order, the Respondent shall give due notice to the Petitioner.

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

15.12.2025

nvi
Neutral Citation : Yes/No

To
The State Tax Officer (FAC),
Kuniyamuthur Assessment Circle,Coimbatore.

C.SARAVANAN, J.

nvi

W.P.No.49025 of 2025 and
W.M.P.Nos.54753 and 54754 of 2025

15.12.2025