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W.P.No.48379 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.48379 of 2025

and

W.M.P.Nos.54016 and 54018 of 2025

Tvl.White Lotus,
Rep.by its Proprietor – V.Alaguramu,
No.11, Sai Kuberan Nagar,
Rathinamangalam, Vandalur,
Chengalpattu-600 127.
GSTIN:33BPWPA1153G1Z4

... Petitioner

Vs.

The State Tax Officer,
Office of the Commercial Tax Officer,
Poonamallee Assessment Circle,
Station:4/109, Third Floor,
Bangalore Chennai Highway,
Varadarajapuram, Nazarathpet,
Chennai-600 123.

... 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:33BPWPA1153G1Z4/2019-20 dated 06.08.2024 and the consequential Summary Order of the impugned proceedings vide Form GST DRC-07 in Reference No.ZD330824041591I dated 06.08.2024 for the Tax Period April 2019 – March 2020 quash the same.

For Petitioner : Mr.S.Rajasekar
For Respondent : Ms.Vasanthamala
Government Advocate

**ORDER**

Ms.Vasanthamala, learned Government Advocate takes notice for the Respondent.

2. This Writ Petition is being disposed of at the stage of admission itself with the consent of the learned counsel for the Petitioner and the learned Government Advocate for the Respondent.

3. In this Writ Petition, the Petitioner is before this Court against the impugned Order dated 06.08.2024 in DRC-07 passed for the tax period 2019-2020 which preceded a Show Cause Notice in GST DRC-01 dated 21.05.2024, to which the petitioner filed a reply in Form GST DRC-06 on 01.07.2024.

4. By the impugned Order, the following demand has been confirmed against the petitioner which reads as under:-

Sr.No	Tax Rate (%)	Turnover	Tax Period		Act	POS(Place of Supply)	Tax	Interest	Penalty	Fee	Others	Total
			From	To								
1	0	0.00	APR 2019	MAR 2020	CGST	NA	4,24,634.00	3,54,310.00	42,463.00	0.00	0.00	8,21,407.00
2	0	0.00	APR 2019	MAR 2020	SGST	NA	4,24,634.00	3,54,310.00	42,463.00	0.00	0.00	8,21,407.00
Total							8,49,268.00	7,08,620.00	84,926.00	0.00	0.00	16,42,814.00



5. The learned counsel for the petitioner would submit that although the petitioner had replied to the Show Cause Notice that preceded the impugned order dated 21.05.2024 vide reply dated 01.07.2024, the reply was incomplete and submits that therefore the demand has been confirmed against the petitioner.

6. The learned counsel for the petitioner submitted that as against the demand confirmed by the impugned order, the tax liability is confirmed for a sum of Rs.8,49,268/- as detailed below:-

Sl.No.	Issue	SGST	CGST	IGST	CESS	Total
1	2	3	4	5	6	7
1	Total tax due in Under declaration of output tax) + (Excess claim of ITC) above	424634	424634	0	0	849268
2	Interest	354310	354310	0	0	708620
3	Penalty on amount in S.No.1	42463	42463	0	0	84926
	Total(1+2+3)	821407	821407	0	0	1642814

7. The learned counsel for the petitioner further submits that a sum of Rs.8,00,735/- has been recovered/paid from the petitioner's electronic credit ledger for the period from 01.04.2025 to 03.12.2025.

8. The learned counsel for the respondent on the other hand however is unable to confirm the same.



9. Be that as it may, reading of the said reply of the petitioner to the Show Cause Notice indicates that it is a skeletal reply and has not explained the defense clearly.

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 this case.

11. 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 on merits 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. However, in case the aforesaid amount of Rs.8,00,735/- was recovered from the petitioner's electronic credit ledger from the period between 01.04.2025 to 03.12.2025 on 18.09.2025 and 13.11.2025 against the tax liability confirmed by the impugned order, no further amount will be required to be pre-deposited by the petitioner for de novo proceedings and the



petitioner may suitably send a separate communication explaining the same.

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13. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 21.05.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 06.08.2024 as an addendum to the Show Cause Notice dated 21.05.2024.

14. 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.

15. It is made clear that bank attachment shall be lifted subject to the deposit of 50% of the disputed tax as ordered above and no other amount is in arrears barring the amount demanded under the impugned Order.

16. 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.



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 these above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

10.12.2025

ssn

Neutral Citation : Yes / No

To:

The State Tax Officer,
Office of the Commercial Tax Officer,
Poonamallee Assessment Circle,
Station:4/109, Third Floor,
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Varadarajapuram, Nazarathpet,
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C.SARAVANAN, J.,

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