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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 48542 of 2025
and W.M.P. No.54202 of 2025

Tvl.Shri Aishwarya Constructions,
Rep by its Managing Partner Mr Muthusamy Gopal,
86 NA, Lingagoundan Valasu,
Poondurai Semur Post,
Erode-638 115.

..Petitioner(s)

Vs

1. The State Tax Officer,
   Kodumudi Assessment Circle,
   Karur.

2. The Commercial Tax Officer
   Kodumudi, Karur,
   Erode Jurisdiction.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 20.02.2025 passed by 1st respondent in GSTIN No 33ABUFS9857L1Z1/2020-21 (FORM GST DRC 07) and consequent order dated 20.02.2025 issued by 2nd respondent in Reference No. ZD330225209892I, and quash the same, consequently direct the respondents to de-freeze the bank account bearing A/C No 07630200000987, Bank of Baroda, Erode Branch (IFSC Code BARB0ERODEX and MICR Code 638012002).

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For Petitioner(s): Mr.S Kousik

For Respondent(s): Mr.V.Prashanth Kiran,
Government Advocate

ORDER

Mr.V.Prashanth Kiran, learned Government Advocate takes notice for the Respondents.

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 Respondents.

3.In this Writ Petition, the Petitioner has challenged the impugned order dated 20.02.2025 DRC-07 passed by the 1st Respondent for the tax period 2020-2021 and consequent order dated 20.02.2025 passed by the 2nd respondent, which preceded a Notice in GST DRC-01 dated 26.11.2024, to which the Petitioner has failed to file a reply and thus, suffered the impugned Order dated 20.02.2025.

4.Learned counsel for the Petitioner submitted that *post facto* the Respondents have recovered almost 25% of the disputed tax amount from the

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Petitioner. However, the learned Government Advocate is unable to confirm the same.

5.Under similar circumstances, Orders have been quashed and cases have been remitted back to the Respondent 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.

6.Following the consistent view taken under similar circumstances, the impugned order is quashed and the case is remitted back to the Respondents to pass a fresh order on merits 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.

7.In case, any amount has been recovered from the Petitioner as has been stated by the Petitioner, no further pre-deposit is required. Any amount already recovered/paid by the Petitioner towards the tax liability confirmed under the impugned order shall be adjusted towards the pre-deposit of 25% as ordered above, subject to verification.

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8.Within such time, the Petitioner shall also file a reply to the Notice in GST DRC-01 dated 26.11.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 20.02.2025 as an addendum to the Notice dated 26.11.2024.

9.In case the Petitioner complies with the above stipulations, the Respondents 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.

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 other amount barring the amount demanded under the impugned Order.

11.In case the Petitioner fails to comply with any of the stipulations, the Respondents are 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.

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

13.This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petition is closed.

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Neutral Citation: Yes/No

GSA

To

1. The State Tax Officer,
   Kodumudi Assessment Circle,
   Karur.

2. The Commercial Tax Officer
   Kodumudi,
   Karur, Erode Jurisdiction.

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C.SARAVANAN, J.

GSA

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