



WEB COPY

WP No. 49138 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 49138 of 2025

and W.M.P. Nos.54894 & 54896 of 2025

Senthamizh Constructions and Projects Pvt Ltd.,
Represented by its Director Mr. T. Durga Prasad,
New No. 42, NGO Nagar,
Ponneri, 601 204.

..Petitioner(s)

Vs

The Superintendent of GST and Central Excise,
Ponneri Range,
No.40/1, Railway Station Road,
Ponneri-601 204.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order issued vide DRC 07 in Ref. No ZD3305240230712 dated 04.05.2024 by the respondent for the assessment year 2018-2019 and quash the same.

For Petitioner(s): Mr.Derrick Sam

For Respondent(s): Mr.R.P.Pragadish,
Senior Standing Counsel



ORDER

Mr.R.P.Pragadish, learned Senior Standing Counsel 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 Senior Standing Counsel for the Respondent.

3.In this Writ Petition, the Petitioner has challenged the exparte order dated 04.05.2024 in DRC-07 passed by the Respondent for the tax period 2018-2019, which preceded a Show Cause Notice in DRC-01, to which the Petitioner has failed to file a reply and thus, suffered the impugned Order dated 04.05.2024.

4.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.



5. 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 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.

6. 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 50% as ordered above, subject to verification.

7. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 together with requisite documents to substantiate the case by treating the impugned Order dated 04.05.2024 as an addendum to the Notice.

8. 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.

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9.It is made clear that bank attachment shall be lifted subject to the deposit of 50% 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.

10.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.

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

12.This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

18-12-2025

Neutral Citation: Yes/No
GSA



WP No. 49138 of 2



To

The Superintendent of GST and Central Excise,
Ponneri Range,
No.40/1, Railway Station Road,
Ponneri-601 204.



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C.SARAVANAN, J.

GSA

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