



W.P.(MD)No.5161 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5161 of 2025

and

W.M.P.(MD)No.3770 of 2025

Sri Ochandamman Granites
Represented by its Proprietor O.Pandi,
3/139-1, Batlagundu Road, Meyyanampatti,
Seemanoothu, Usilampatti, Madurai.

... Petitioner

-vs-

The State Tax Officer,
Madurai Rural West Circle, Madurai.

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the files Form GST DRC 07 Ref.No.ZD330824247181J, dated 27.08.2024, passed by the respondent herein and quash the same as illegal, arbitrary, without jurisdiction and in violation of principles of natural justice.

For Petitioner : Mr.S.Karunakar

For Respondent : Mr.J.K.Jayaselan
Government Advocate



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ORDER

This writ petition is filed challenging the order passed by the respondent, dated 27.08.2024.

2. The learned counsel appearing for the petitioner submits that due to ill-health and requiring periodic treatment, the petitioner was unable to fully concentrate on business activities. The petitioner was under the *bona fide* belief that the part-time accountant would ensure compliance with all statutory requirements. However, the accountant failed to do so. Hence, the petitioner was unable to participate in the adjudication proceedings, which resulted in the issuance of the ex parte impugned order.

3. Mr.J.K.Jayaselan, learned Government Advocate appearing for the respondent submits that the impugned order has been passed after issuing show cause notice to the petitioner on 22.05.2024 and therefore, there is no need to interfere with the impugned order. He further submits that the petitioner is having an appeal remedy before the appellate Deputy Commissioner, Madurai, under Section 107 of the GST Act, 2017. However, without invoking the appeal remedy, the petitioner has straightaway approached this Court.



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4. Recording the submission made by the learned Government Advocate that the petitioner is having an appeal remedy before the Deputy Commissioner, Madurai under Section 107 of the GST Act, 2017, this writ petition is disposed of with liberty to the petitioner to approach the appellate authority and raise all the grounds raised in this writ petition in the appeal. In the event, if any appeal is filed within a period of two weeks from the date of receipt of a copy of this order, the same shall be entertained by the appellate authority without insisting on the limitation and disposed of in accordance with law, within a period of one month thereafter. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

26.02.2025

To:-

The State Tax Officer,
Madurai Rural West Circle, Madurai.



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VIVEK KUMAR SINGH, J.

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