



W.P.(MD)No.10254 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10254 of 2025

and

W.M.P.(MD)Nos.7638 and 7639 of 2025

M/s. Bharath Motors,
Represented by its Proprietor G.Prakash Kumar,
GSTIN 33AEPPP1813H1ZJ,
D.No.7-75/5, Thengapattinam Road,
Vettuvenni, Marthandam- 629125.

... Petitioner

Vs.

1.The State Tax Officer (Data -3),
Office of the Joint Commissioner (ST) (Intelligence),
Tirunelveli, A.R. Lane Road,
Palayamkottai.

2.The Appellate Deputy Commissioner (CT),
Commercial Taxes Buildings,
Reservelane, Palayamkottai.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent in GSTIN 33AEPPP1813H1ZJ/2023-2r, dated 18.09.2024 for the assessment year 2023-24, passed by the first respondent under Section 74 of TNGST Act 2017 and consequential rejection order dated 21.03.2025 (ARN # AD3301250349382) issued by the second respondent in Form GST APL-02 and to quash the both as cryptic, non-speaking, illegal, arbitrary,



W.P.(MD)No.10254 of 2025

wholly without jurisdiction and direct the respondent to pass order afresh after affording opportunity of personal hearing as contemplated under Section 75(4) of the TNGST Act 2017.

For Petitioner : Mr.N.Sudalai Muthu

For Respondents : Mr.J.K.Jayaselan
Government Advocate
ORDER

This writ petition has been filed challenging the impugned order of demand passed by the first respondent dated 18.09.2024 and the order of the second respondent dated 21.03.2025, rejecting the appeal filed by the petitioner against the order of demand.

2. The petitioner is engaged in the business of two-wheeler motorcycles and spare parts and due to lack of GST knowledge and portal access, the petitioner had fully relied on a part-time accountant, who also failed to inform the petitioner about the assessment proceedings. Therefore, the petitioner was unable to attend the personal hearing, leading to the issuance of an ex-parte assessment order dated 18.09.2024. When the second respondent initiated recovery proceedings, the petitioner became aware of the assessment proceedings. The petitioner immediately filed an appeal before the second respondent, which was rejected due to limitation.



W.P.(MD)No.10254 of 2025

WEB COPY

3. The petitioner's main grievance is that he was unable to access the web portal, which compelled him to file the appeal with a delay of 5 days. The appeal was rejected on account of the said delay. Aggrieved by this, the petitioner has filed the present writ petition.

4. Per contra, the learned Government Advocate appearing for the respondents would fairly submit that if the Court finds sufficient and reasonable cause for the delay, appropriate orders may be passed.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. Considering the arguments made by the learned counsel for the petitioner and the learned Government Advocate for the respondents, as well as the fact that the delay has occurred only the petitioner was unable to access the web portal, this Court is of the view that the petitioner has demonstrated reasonable cause for the delay. Therefore, the Court is inclined to condone the delay of 5 days in filing the appeal.



W.P.(MD)No.10254 of 2025

WEB COPY

7. Accordingly, the writ petition is allowed. The delay of 5 days in filing the appeal before the second respondent is condoned and the order of the appellate authority/second respondent, is hereby set aside. There shall be a direction to the second respondent to take up the appeal and dispose of the same on merits and in accordance with law, after affording an opportunity of hearing to the petitioner. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

09.04.2025

Index : Yes / No
Internet : Yes / No
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(2/2)



W.P.(MD)No.10254 of 2025

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WEB COPY

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WEB COPY



W.P.(MD)No.10254 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.10254 of 2025

09.04.2025
(2/2)