BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A(MD)No.1421 of 2025
and
C.M.P(MD)No.8457 of 2025

Sri Balaji Tollways (Madurai) Private Limited,
Represented by its Managing Director
Seyyadurai Nagarajan,
Plot No.218/1A 2, Karuvelampatti,
Thiruparankundram Taluk,
Madurai,
Tamil Nadu – 625 008. ... Appellant / Petitioner

Vs.

The Deputy State Tax Officer – 2,
Thiruparankundram Assessment Circle,
Dr.Thankaraj Salai,
Madurai,
Tamil Nadu – 625 020. ... Respondent / Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed in W.P(MD)No.8618 of 2025 dated 27.03.2025 on the file of this Court.

For Appellant : Mr.Naveen Kumar Murthi
for Mr.S.Ramamurthy

For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard both sides.

2.The appellant is an Tollway company. They were served with show cause notice dated 13.05.2024 calling upon the appellant to pay Rs.16,67,07,966/- (Rupees Sixteen Crores Sixty Seven Lakhs Seven Thousand Nine Hundred and Sixty Six only) primarily on the ground that there was a mismatch in the claim of availing ITC. The appellant offered their reply dated 29.08.2024.

3.The proper officer, however, confirmed the demand vide proceedings dated 10.09.2024. Challenging the same, the appellant filed W.P(MD)No.8618 of 2025. The learned single Judge relegated the appellant to avail the appeal remedy vide order dated 27.03.2025. Challenging the same, this Writ Appeal has been filed.

4.A bare look at the impugned order would indicate that the appellant's contentions were not at all considered.

5.The learned counsel appearing for the appellant draws out attention to paragraph VII of the impugned order. It reads as follows:

> ***"VII. The Proper Officer's conclusion for the above defect:***
>
> *1. On the verification of the taxpayer reply reference number ZD330524077082L dated on 29.08.2024.*
>
> *2. The taxpayer's attend the personal hearing on before me.*
>
> *3. And the taxpayer does not given the valid documents / Supporting documents*
>
> *4.Hence the proper officer decided to confirm the Notice Proposal amount."*

Since the undisputed position is that the appellant's defences have not been considered and the demand set out in the show cause notice has been mechanically affirmed, we are of the view that the proceedings impugned in the Writ Petition are liable to be set aside. They are accordingly set aside. The matter is remitted to the file of the respondent. The respondent will conduct a fresh enquiry as per law and pass order afresh. We make it clear that we have not gone into the merits of the matter. The order passed by the learned single Judge is set aside.

6.This Writ Appeal is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.]　　[K.R.S., J.]
10.06.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

The Deputy State Tax Officer – 2,
Thiruparankundram Assessment Circle,
Dr.Thankaraj Salai,
Madurai,
Tamil Nadu – 625 020.

G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA

W.A(MD)No.1421 of 2025

10.06.2025