BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

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THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.19811 of 2025
and
W.M.P.(MD) Nos.15258 & 15261 of 2025

IGH Steel Distributors
Represented by its Partner
Mr.M.Haja Saibudeen
S.No.113/2, Chennai Bye-Pass Road,
Senthaneerpuram,
Tiruchirappalli – 620 004. ... Petitioner

Vs.

The State Tax Officer,
Ponmalai Assessment Circle,
Multi-Storied Buildings,
Khajamalai, Mannapuram,
Trichirappalli - 620 020. ... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records from the file of the respondent in impugned assessment order passed in GSTIN No. 33AAFFI8005C1ZX/2017-18 dated 28.03.2025 and impugned Reference No.ZD3303252598562 passed in GSTIN 33AAFFI8005C1ZX dated 29.03.2025 for the Financial Year 2017-18 and quashing the same as without jurisdiction and violative of principles of natural justice.

For Petitioner : Mr.R.Ananth

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

ORDER

The petitioner is aggrieved by the impugned order dated 29.03.2025, bearing Reference No.ZD3303252598562, passed by the respondent under Sections 73(9) and 50(1) of the TNGST and CGST Acts, 2017.

2. By the impugned order dated 29.03.2025, the demand proposed for the tax period from July 2017 to March 2018, on account of discrepancies between the auto-populated GSTR-2A and the return filed in GSTR-3B, has been confirmed for the second time.

3. It is informed that the petitioner was earlier issued with a notice in Form GST DRC-01 dated 29.09.2023. The petitioner submitted a reply to the said notice on 01.10.2023, which culminated in an order dated 30.12.2023 passed by the respondent. The petitioner successfully challenged the said order before this Court in W.P.(MD) No.31183 of 2024, which was allowed by an order dated 02.01.2025.

4. Pursuant to the aforesaid order dated 02.01.2025 passed by this Court in W.P.(MD) No.31183 of 2024, the petitioner was issued a notice dated 19.02.2025. The petitioner submitted a reply to the said notice on 07.03.2025, which culminated in the impugned order dated 29.03.2025.

5. The petitioner claims to have complied with the requirements of Circular No.183/15/2022-GST dated 27.12.2022, as per which, under similar circumstances, the petitioner was merely required to furnish certificates from the respective suppliers, namely, M/s.Golden Trading Company and M/s.PPS Steels (India) Pvt. Ltd. However, the respondent confirmed the demand on the ground that the suppliers failed to respond to the summons issued by the Department.

6. It is submitted that although Circular No.183/15/2022-GST dated 27.12.2022 is a trade facilitation measure to ease compliance for parties, it is incumbent upon the respondent to verify whether the certificates are genuine or not. It is for the petitioner to produce the suppliers before the Department. However, the impugned order has been passed without affording any opportunity to the petitioner to verify or cross-examine the alleged findings.

7. It is further submitted that the tax amount, as well as the penalty, has already been recovered/paid, as stated in paragraph 12 of the affidavit filed in support of this Writ Petition, which reads as under:

> *"12. On 13.05.2024, the Respondent debited a sum of Rs. 3,84,188/-(CGST: Rs. 1,91,744/-; SGST: Rs. 1,92,444/-) from the Petitioner's Electronic Credit Ledger and the Respondent debited a further sum of Rs.4,35,186/- from the Petitioner's bank account and credited it to the Electronic Cash Ledger, thereby recovering the entire amount of tax, interest, and penalty as per the impugned assessment order."*

8. Considering the overall facts and circumstances of the case, this Court is inclined to dispose of this Writ Petition, with the consent of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent, by quashing the impugned order and remitting the matter back to the respondent to pass a fresh order on merits, within a period of twelve weeks from the date of receipt of a copy of this order, subject to the petitioner depositing 25% of the disputed tax, if the amount stated in paragraph 12 of the affidavit filed in support of this Writ Petition has not already been paid by the petitioner.

9. The respondent shall endeavour to verify the contents of paragraph 12 of the affidavit filed in support of this Writ Petition and, if required, issue notice to the petitioner in that regard, and thereafter proceed to pass an appropriate order in terms of the above stipulation.

10. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

23.07.2025

JEN
Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes/No

To

The State Tax Officer,
Ponmalai Assessment Circle,
Multi-Storied Buildings,
Khajamalai, Mannapuram,
Trichirappalli - 620 020.

C.SARAVANAN, J.

JEN

W.P.(MD) No.19811 of 2025

23.07.2025