BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2025**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 22017 of 2025
and
W.M.P.(MD) No.17120 of 2025

Tvl Amman Steel,
rep. by its Partner P.Nagarajan. ... Petitioner

Vs

1. The Commissioner of Commercial Taxes,
O/o.The Principal and Special Commissioner of
Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.

2. The State Tax Officer,
Vedasandur Assessment Circle,
Integrated Commercial Taxes Building,
Kothaimangalam Post,
Palani Taluk,
Dindigul District - 626 001. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for records pertaining to impugned order of the second respondent in Ref.No.ZD330124109498J/2018-19, dated 24.01.2024 and quash the same.

For petitioner : Mr. B. Rooban

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

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ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2. The petitioner is before this Court against the impugned order, dated 24.01.2024 passed for the tax period 2018-19, on account of the credit note issued by the supplier to the petitioner for a sum of Rs.2,08,535/-, as a result of which the petitioner has been asked to pay differential tax of Rs.29,195/- towards CGST and equal amount towards IGST, apart from the interest and penalty as detailed below:

Year	Details	CGST Tax Due	SGST Tax Due	CGST Interest Due	SGST Interest Due	CGST Penalty Due	SGST Penalty Due
2018 -19	Wrong claim of ITC, Non payment of Tax, Non-payment of interest and non-payment of penalty	29,195	29,195	33,402	33,402	10,000	10,000
Total payable		29,195	29,195	33,402	33,402	10,000	10,000

3. The case of the petitioner is that the petitioner had closed the business as early as 30.09.2019 with the cancellation of the registration on the said date.

4. It is therefore submitted that thereafter, notice in DRC 01A was served in the web portal on 21.10.2023 almost after four years and thus, the petitioner was unaware of the same, as the petitioner is no longer accessing the information from the web portal.

5. It is further submitted that the petitioner had excess input, which lapsed during the aforesaid period as is evident from the Form GSTR 9 filed for the aforesaid period for a sum of Rs.52,390/- towards the State tax and Central tax.

Although the above submission has been made by the petitioner on merits, this Court is inclined to follow consistent view taken by this Court under similar circumstances.

6. Considering the same, the impugned order is quashed and the matter is remitted back to the second respondent on terms subject to the petitioner depositing 25% 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.

7. The petitioner shall file a reply to the notice in DRC 01 dated 01.11.2023 by treating the impugned order as addendum to the Show Cause Notice.

8. In case the petitioner complies with the above stipulations, the second respondent shall proceed to pass fresh orders on merits and in accordance with law as expeditiously as possible preferably within a period of three (3) months thereafter, after hearing the petitioner and the petitioner’s bank account, which was attached, shall be released.

9. In case the petitioner fails to comply with any of the conditions stipulated above, the respondents are at liberty to proceed against the petitioner in accordance with law as if this Writ Petition was dismissed *in limine* today.

10. This Writ Petition is disposed of, with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

12.08.2025

To

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C.SARAVANAN, J.

apd

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