BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.31844 of 2025
and
W.M.P(MD)Nos.25047 & 25049 of 2025

Tcl.K.Muthusamy,
Represented by its Proprietor
K.Muthusamy,
4/7-1, Raj Residency,
1st Floor, Kovai Road,
Andankovil East,
Karur,
Tamil Nadu – 639 008. ... Petitioner

Vs.

The Assistant Commissioner (ST),
Karur – 2 Assessment Circle,
Karur, Erode,
Tamil Nadu. ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings passed by the Respondent in the order vide GSTIN:33AKYPM3572H2ZN/2019-2020 dated 24.07.2025 along with the consequential proceedings under Section 73 of the Act issued vide FORM DRC-07 Ref. No.ZD3307252708080 dated 24.07.2025 for the financial year 2019-2020, to quash the same.

For Petitioner : Ms.R.Hemalatha

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

ORDER

Heard both sides.

2.This is the second round of litigation. The order impugned in this writ petition is patently non-speaking. After narrating the antecedent developments, the impugned order came to be passed in the following terms:

"After perusal of the returns, the impugned assessment order, the rectified assessment order, the oral objections, written objections and supporting documents filed by the taxable person during the personal hearing on various dates till 17.07.2025, the following finding is arrived:

FY 2019-20	Details (in Rs.)	No Of Deductors	Taxable Value	SGST	CGST	Total GST
2019-20	Outward Turnover as per GSTR-7 and tax deduction	5	251164254	2511294	2511293	[illegible]
	Less: Outward Turnover reported in GSTR-7 by the Contractee Department (Added) in FY 2018-19		[illegible]			
2019-2020	Outward Turnover to be assessed		[illegible]			
A	Earthwork Turnover received by Taxable Person during FY and Tax due at 5%		[illegible]	[illegible]	[illegible]	[illegible]
B	Construction Turnover received by Taxable Person during FY and Tax due at 12%		[illegible]	[illegible]	[illegible]	[illegible]
A + B	Taxable Turnover reported by Taxable Person during FY and tax due		[illegible]	[illegible]	[illegible]	[illegible]
C	Taxable Turnover not reported by Taxable Person during FY and Tax due at 12%		71089900	[illegible]	[illegible]	[illegible]
A+B+C - 2019-2020	Outward Turnover to be assessed		[illegible]	7187263	7187263	[illegible]
	Tax recovered from the Tax payer on 15.11.2024			Nil	Nil	Nil
	Tax Balance			[illegible]	7187263	[illegible]
	Penalty Balance u/s 73 under Section 73			[illegible]	[illegible]	[illegible]
	Interest due on the unsettled amount till 24.07.2025 (for 1920 days) under Section 50			6805257	6805257	[illegible]

Summary of the order in GST DRC 07 is issued.

Note: Interest due was calculated till the date of order. The interest shall be calculated and paid till the date of payment of tax due.

MOOKAIAH
BALASUBRAMANIAN

Assistant Commissioner (ST)
Group - 2 Assessment circle, Karur

To

M/s. K.MUTHUSAMY PROP. OF K MUTHUSAMY,
M/s. KALIYANNAGOUNDER MUTHUSAMY,
1/7-1, RAJ RESIDENCY, 1ST FLOOR, KOVAI ROAD
ANDANKOVIL EAST, Tamil Nadu, [illegible]

Copy submitted to the Deputy Commissioner (ST), Karur.

3.When the petitioner has raised a host of objections, it was incumbent on the part of assessing to deal with the same. Without doing so, the impugned order has been passed in a perfunctory manner. On this sole ground, it stands quashed. Even before commencing her arguments, the learned counsel for the petitioner submit that the petitioner would pay 10% of the disputed tax amount. This undertaking is recorded. The order impugned in this writ petition is quashed on the strength of the said undertaking. The petitioner is given four weeks time to pay the said amount to the department towards the impugned demand, without prejudice to their contentions.

4.The matter is remitted once again to the file of the respondent. The respondent need not issue any fresh notice or grant a personal hearing. All that he needs to do is to pass a considered and speaking order by taking into account various contentions advanced by the assessee. The benefit of this order will not enure in favour of the writ petitioner if the 10% of the disputed tax amount is not paid within four weeks. In that event the writ petition shall stand dismissed. The petitioner will then have to file an appeal before the appellate authority.

5.This Writ Petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

07.11.2025

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

To

The Assistant Commissioner (ST),
Karur – 2 Assessment Circle,
Karur, Erode,
Tamil Nadu.

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.31844 of 2025

07.11.2025