BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2025

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THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD) No.35371 of 2025
and
W.M.P.(MD) No.28061 of 2025

Tvl.Fancy Agency,
Represented by its Proprietor
M.Mohammed Ayub,
GSTIN 33AJZPA7731Q2ZG,
467, Bazar Street,
Virudhunagar - 626 001. ... Petitioner

Vs.

The Deputy State Tax Officer-I,
Virudhunagar - 1 Assessment Circle,
Commercial Taxes Buildings,
Virudhunagar. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records relating to the order in GSTIN : 33AJZPA7731Q2ZG/2024-25 dated 09.04.2025 for the Assessment Year 2024-2025 passed by the respondent under Section 74 of the TNGST Act, 2017 and to quash the same as cryptic, non-application of mind, illegal, arbitrary, wholly without jurisdiction.

For Petitioner : Mr.N.Sudalai Muthu

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

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ORDER

In this Writ Petition, the petitioner has challenged the impugned Assessment Order dated 09.04.2025 passed by the respondent under Section 74 of the Tamil Nadu Goods and Services Tax Act, 2017, for the Assessment Year 2024–2025.

2. The learned counsel for the petitioner would submit that the impugned Assessment Order is an *exparte* order passed by the respondent; that the petitioner was not aware of the show cause notice issued by the respondent, as several notices were uploaded on the same web portal, which caused confusion and resulted in the petitioner failing to submit a reply to the show cause notice; and that only upon receipt of the Assessment Order, the petitioner come to know about the proceedings for the Assessment Year 2024-2025.

3. He would further submit that, insofar as issues pertaining to the Financial Year 2024-2025 are concerned, the respondent is empowered to initiate proceedings only under Section 74A of the Tamil Nadu Goods and

Services Tax Act, 2017, and has no authority to invoke the provisions of either Section 73 or Section 74 of the said Act for the Financial Year 2024-2025; and that the respondent, without any authority of law, issued the show cause notice and passed the impugned Assessment Order. Hence, the present Writ Petition has been filed.

4. The learned Additional Government Pleader appearing for the respondent would fairly submit that, in the present case, admittedly, the notice was issued under Section 74 of the Act for the Financial Year 2024-2025; that, in view of the introduction of Section 74A of the Act, the respondent is supposed to issue the notice only under Section 74A of the Act; and that no notice could have been issued under Section 74 of the Act.

5. He would further submit that, if this Court is inclined to set aside the impugned Assessment Order, this Court may issue a direction permitting the petitioner to treat the show cause notice issued under Section 74 of the Act as a notice under Section 74A of the Act and to file a reply thereto.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent.

7. I find force in the submissions made by the learned counsel for the petitioner, since the respondent can initiate proceeding from 01.04.2024 in terms of the provisions of Section 74A of the Act and not through Section 74 of the Act. In the present case, the notice was issued under Section 74 of the Act, which culminated in the impugned Assessment Order. This Court is of the view that, admittedly, the respondent, without any authority of law, issued the show cause notice under Section 74 of the Act instead of under Section 74A of the Act and also passed the impugned Assessment Order. Therefore, the impugned Assessment Order is liable to be set aside and is accordingly set aside.

8. However, merely setting aside the impugned Assessment Order would not serve any useful purpose, as, in any event, the respondent would be required to issue a notice under Section 74A of the Act afresh, within the period of limitation. Instead of relegating the parties to undertake such an exercise, this Court is of the view that, once the order is

set aside, the petitioner can be directed to file a reply by treating the show cause notice issued under Section 74 of the Act as a notice under Section 74A of the Act, and thereafter the matter can be decided on merits. For the said purpose, both the petitioner and the respondent are directed accordingly.

i. The impugned Assessment Order dated 09.04.2025 is set aside;
ii. The petitioner is directed to treat the show cause notice in Form GST DRC-01 dated 26.11.2024, issued under Section 74 of the Act, as a notice under Section 74A of the Act and to file a reply thereto within a period of four weeks from the date of receipt of a copy of this order;
iii. Thereafter, the respondent shall pass appropriate orders, after affording sufficient opportunity of personal hearing to the petitioner, in accordance with law.

9. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

10.12.2025

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

To

The Deputy State Tax Officer-I,
Virudhunagar - 1 Assessment Circle,
Commercial Taxes Buildings,
Virudhunagar.

KRISHNAN RAMASAMY, J.

JEN

W.P.(MD) No.35371 of 2025

10.12.2025