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WP No. 1125 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HONOURABLE MR JUSTICE C. SARAVANAN

**WP No. 1125 of 2026
& WMP Nos.1313 & 1316 of 2026**

1. Tvl Pekon India
Represented by its Partner -Debashis
Giri,
32, Thiruvengadatha Pillai Street,
Nagapattinam, 611 001

Petitioner(s)

Vs

1. The Commercial Tax Officer
Nagapattinam Circle,
Commercial Tax Office,
Integrated Commercial Taxes Building,
No.5, Mayiranathakeela Veethi,
'New Street, Pookollai,
Mayiladuthurai-609 001

Respondent(s)

PRAYER

This petition has been filed seeking for issuance of a Certiorari, to call for records pertaining to the original impugned order dated 25.02.2025 bearing Reference No.ZD3302252523830 issued by the Respondent and quash the same.

For Petitioner(s): M/s. G. Derrick Sam

For Respondent: Ms.Amritha Poongodi
Dinakaran, GA



ORDER

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Ms.Amritha Poongodi Dinakaran, learned Government Advocate takes notice for the respondent.

2. This Writ Petition is being disposed of at the stage of admission itself with the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

3. In this Writ Petition, the petitioner has challenged the impugned Order bearing Reference No. ZD3302252523830 dated 25.02.2025 of the respondent, which was preceded by a Show Cause Notice in GST DRC-01 dated 24.11.2024 wherein the petitioner was called upon to appear for personal hearing. However, the petitioner had not taken advantage of the same and thus, suffered the impugned Order dated 25.02.2025.

4. It is noticed that the limitation for filing an appeal under Section 107 of the respective GST enactments, 2017 against the impugned order has already expired. The present writ petition has been filed only on 24.12.2025.

5.At this stage, the learned counsel for the petitioner submits that the



petitioner is willing to pre-deposit 25% of the disputed tax as a condition for *de novo* proceedings.

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6. Under similar circumstances, orders have been quashed and cases have been remitted back to pass a fresh order on terms subject to such Assessee depositing 25% to 100% of the disputed tax depending upon the length of delay in approaching the Court. I do not find any reason to take a different view in this case.

7. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the case is remitted back to the respondent to pass a fresh order subject to the petitioner depositing 25% of the disputed tax in cash or 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.

8. Within such time, the petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 24.11.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 25.02.2025 as an addendum to the Show Cause Notice dated 24.11.2024.

9. In case the petitioner complies with the above stipulations, the



respondent shall proceed to pass a final order on merits and in accordance with law as expeditiously as possible, preferably, within a period of three (3) months of such pre-deposit. Subject to the petitioner complying with the above stipulations, the attachment of the bank account of the petitioner shall also stand automatically vacated.

10. Any amount already recovered from the petitioner against the tax liability confirmed vide impugned order, shall be adjusted towards the pre-deposit of 25% as ordered above.

11. It is made clear that bank attachment shall be lifted subject to the petitioner depositing 25% of the disputed tax as ordered above and the petitioner not being in arrears of any other amount barring the amount demanded under the impugned Order.

12. In case the petitioner fails to comply with any of the stipulations, the respondent is at liberty to proceed against the petitioner to recover the tax in accordance with law as if this writ petition was dismissed *in limine* today.

13. Needless to state, before passing any such order, the respondent shall give due notice to the petitioner.



14. This Writ Petition stands disposed of, with the above observations.

No costs. Connected Writ Miscellaneous Petitions are closed.

19-01-2026

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Index:Yes/No

Neutral Citation:Yes/No



To

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Office, Integrated Commercial Taxes
Building, No.5,
Mayiranathakeela Veethi,
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C.SARAVANAN, J.
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