IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.920 of 2026
and
W.M.P.Nos.1121 and 1124 of 2026

M/s.S.G.K.Blue Metals,
Rep by its Partner,
Mr.S.N.Palanisamy. ... Petitioner

Vs.

1.The Assistant Commissioner of GST and Central Excise,
Pollachi Division, Jothi Nagar,
Pollachi – 642 001.

2.The Joint Commissioner (Appeals),
Office of the Commissioner of GST and
Central Excise (Appeals), Coimbatore,
6/7, A.T.D.Street, Race Course Road,
Coimbatore – 641 018. ... 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 in Order in Original No.08/2024-25 (AC)(GST) dated 21.02.2025 passed by the 1st Respondent and Summary of the Order in Form GST DRC – 7 bearing DIN No.20250259XM0000999FC7 dated 21.02.2025 passed by the 1st Respondent and the Corrigendum to Order No.08/2024-25(AC)(GST) bearing DIN No.20250259XM000000BEDD dated 26.02.2025 passed by the 1st Respondent and quash the same.

For Petitioner : Mr.Joseph Prabakar

For Respondents : Mr.Rajendran Raghavan
Senior Standing Counsel

ORDER

Mr.Rajendran Raghavan, learned Senior Standing Counsel takes notice for the Respondents.

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 Senior Standing Counsel for the Respondents.

3. In this Writ Petition, the Petitioner has challenged the impugned Order-in-Original No.08/2024-25 (AC)(GST) dated 21.02.2025 whereby it has been ordered as follows:

> *"(i)I confirm the demand of late fee of Rs.13,900/- (CGST:Rs.6,950/- SGST:Rs.6,950/-) under Section 47(1) of CGST Act, 2017 for belated filing of GSTR – 1 returns for the period 2020-2021.*
>
> *(ii)I appropriate the amount of Rs.13,900/- (CGST:Rs.6,950/- SGST:Rs.6,950/-) already paid by them against the demand made in Sl.No.(i) above.*
>
> *(iii)I deny the ITC of Rs.20,15,488/- and confirm the demand of Rs.20,15,488/- (IGST Rs.52,213/- CGST Rs.9,81,638/-, SGST Rs.9,81,637/-) (Rupees Twenty Lakhs Fifteen Thousand Four Hundred Eighty-Eight Only) being the ineligible/excess ITC availed and utilized during the period from April 2020 – March 2021 under Section 73(1)*

of the CGST Act, 2017 and TNGST Act, 2017 read with Section 20 of IGST Act 2017;

(iv) I confirm the demand of interest on the amount as mentioned in S.No.(iii) above under Section 73(9) of CGST Act, 2017 read with Section 50(3) of the CGST/SGST Act, 2017;

(v) I impose a penalty of Rs.2,01,549/- (IGST:Rs.5,221/-, CGST:Rs.98,164/- SGST:Rs.98,164/-) under Section 73(9) of CGST Act, 2017 read with provisions of Section 122 of the CGST/SGST Act, 2017 read with Section 20 of IGST Act 2017; on the amount as mentioned in Sl.No.(iii) above;

(vi)I confirm the demand of interest amount Rs.58,990/- (CGST:Rs.18,744/- SGST:Rs.40,246/-) for belated payment of Tax under Section 50(1) of the CGST/SGST Act 2017;

(vii)I appropriate the amount of Rs.58,990/- (CGST:Rs.18,744/- SGST:Rs.40,246/-) already paid against the demand made in Sl.No.(vi)above.

(viii) I confirm the demand of late fee Rs.1,000/- (CGST:Rs.500/- SGST:Rs.500/-) under Section 47(2) of CGST Act, 2017 for belated filing of GSTR – 9 return for the period 2020-21.

(ix)I appropriate the amount of Rs.1,000/- (CGST:500/- SGST:500/-) already paid by them against the demand made in (vi) above.

(x) I confirm the demand of Rs.1,621/- (IGST:Rs.1501/- CGST Rs.60/- and SGST:60/-) (One thousand six hundred twenty one) being the tax payable on RCM basis for the period 2020-21 under Section 73(1) of CGST read with Section 9(1) and read with Section 20 of IGST Act 2017;

(xi)I appropriate the amount of Rs.1,621/- (IGST:1501/- CGST:60/- and SGST:60/-) already paid by them against the demand made in Sl.No.(x) above.

(xii)I confirm the demand of interest on the amount as mentioned in Sl.No.(x) under Section 73(9) of CGST Act, 2017 read with Section 50(3) of the CGST/SGST Act, 2017.

> *(xiii) I impose a penalty of Rs.30,000/- (IGST Rs.10,000/-; CGST Rs.10,000/- and SGST Rs.10,000/-) under Section 73(9) of CGST Act, 2017 read with provisions of Section 122 of the CGST/SGST Act, 2017 and read with Section 20 of IGST Act, 2017; for the contravention of Section 49 read with Section 9 of CGST Act, 2017 by not paying the tax as mentioned in Sl.No.(x) above."*

4. It is noticed that the Petitioner has replied to Show Cause Notice in SCN.No.5/2024(AC)(GST) dated 28.11.2024. The impugned order is a detailed order. Therefore, there is no scope for interfering with the impugned order dated 21.02.2025.

5. Further, the present Writ Petition has been filed only on 29.12.2025.

6. At best, liberty can be granted to the Petitioner to challenge the order dated 21.02.2025 before the Appellate Authority and considering the fact that the Petitioner not only paid the disputed tax but has also paid the tax vide impugned order dated 21.02.2025 and the penalty, the surviving issue is only interest under Section 50 of the respective GST enactments.

7. Considering the same, liberty is granted to the Petitioner to challenge the order dated 21.02.2025 within a period of thirty days from the date of receipt of a copy of this order.

8. In case the Petitioner fails to comply with the above stipulations, the Appellate Authority shall disposed of the appeal without further reference to the limitation.

9. Needless to state, before passing any such order, the Respondent shall give due notice to the Petitioner.

10. This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

19.01.2026

Neutral Citation: Yes / No
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To:

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2.The Joint Commissioner (Appeals),
Office of the Commissioner of GST and
Central Excise (Appeals), Coimbatore,
6/7, A.T.D.Street, Race Course Road,
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C.SARAVANAN, J.

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