IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.890 of 2026
and
W.M.P.Nos.1084 and 1085 of 2026

Tvl.Sri Ram Agro Service Centre,
Represented by its Proprietor
R.Baskar ... Petitioner

Vs.

The Assistant Commissioner (ST),
Namakkal Rural Assessment Circle,
Namakkal. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records on the files of the respondent pertaining to Order GSTIN:33AMWPB5744N3ZG/2022-23 dated 19.06.2025, quash the same as illegal and consequently direct the respondent to consider the matter afresh after providing opportunity of hearing and dispose the case on merits.

For Petitioner : Mr.S.Rajesh

For Respondent : Mr.C.Harsharaj
Special Government Pleader

ORDER

Mr.C.Harsharaj, learned Special Government Pleader 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 Special Government Pleader for the Respondent.

3. The Petitioner is before this Court against the impugned order dated 19.06.2025, whereby the demand proposed in the Show Cause Notice in GST DRC – 01 dated 15.10.2024 has been confirmed. The Show Cause Notice in GST DRC – 01 dated 15.10.2024 is called upon the Petitioner to come for a personal hearing fixed on 05.11.2024 and to file a reply on 15.11.2024.

4. In this case, the Petitioner has however filed a reply on 15.04.2025 which is also acknowledged in the Form GST DRC – 06 and referred to in the impugned order. The conclusion in the impugned order on account of reply dated 15.04.2025 reads as under:-

Conclusion on Reply received:-

There was more anomalies in his reply and expect him to clarify the same in the personal hearing issued four times through the DRC01 notice and the three reminders, the tax payer failed to attend the personal hearings.

The tax payer reply is verified and found not in order. The tax payer failed to file further records as ITC register, stock register, books of accounts etc to prove the genuineness.

So the tax payer's reply is not in coincidence with the information said in the notice. Hence the demand raised is confirmed and the assessment orders for the year 2022-23 with demand notice in DRC 07 is issued.

Summary of Demand:

Details	**IGST Rs.**	**CGST Rs.**	**SGST Rs.**
TAX:- Proposed Tax Due to be levied U/s 73(1) of TNGST Act-2017 and CGST Act – 2017	0	495058	495058
PENALTY:- Penalty proposed to be levied equal time of tax due U/s73(1) of TNGST Act 2017 and CGST Act 2017 read with Sec.122(vii) of the Act.	0	49506	49506
INTEREST:- Interest to be levied U/s.50(1) of the Act. (18% per annum U/s.50 of the Act) 545 days (20.04.2023 to 15.10.2024)	0	133055	133055

The tax payer has to pay tax, interest and penalty under Section 73 of CGST Act 2017 within 90 days of passing order.

It he is not satisfied with the assessment orders passed, is also directed to file appeal as per the instructions mentioned above.

The furtherance of action will be initiated under Section 79 of CGST Act 2017 if the tax payer failed to pay tax, *interest and penalty as above even after 90 days of demand creation under this Act.”*

5. A reading of the impugned order itself indicates that there is no clear discussion in the impugned order. Therefore, the impugned order is liable to be interfered with.

6. Considering the same, the impugned order is quashed and the case is remitted back to the Respondent to pass a fresh order on merits and in accordance with law.

7. That apart, the practice adopted by the Respondent of first calling the assessee for a personal hearing and thereafter calling upon assessee to file a reply is procedurally improper and requires correction. Therefore, there shall be a direction to the Department to frame and circulate proper guidelines to the Assessing Officers to ensure that due process of law is strictly followed prior to adjudication in any proceedings.

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

9. 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:

The Assistant Commissioner (ST),
Namakkal Rural Assessment Circle,
Namakkal.

C.SARAVANAN, J.

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