IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.724 of 2025
and
W.M.P.No.938 of 2025

M/s. Krishna Agencies
Rep. by its Proprietor Mr. Velmurugan,
Old No.24, New No.8A,
Jayalakshmipuram, 1st Street,
Nungambakkam, Chennai – 600 034. ... Petitioner

Vs.

1. Union of India
   Customs Department
   Rep. by its Secretary,
   New Delhi – 110 001.

2. The Chief Commissioner of Customs
   Custom House
   Chennai – 600 001.

3. The Government of Tamil Nadu
   Rep. by its Secretary,
   Commercial Taxes Department
   Fort St. George
   Chennai – 600 009.

4. The Deputy State Tax Officer II
   Valluvarkottam
   Assessment Circle
   Chennai – 600 034. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 4th respondent in GSTIN/33ACAPV7168G2ZD/2018-2019, dated 23.04.2024, quash the same and consequently, direct the 3rd Respondent to de-freeze the Petitioner's Savings Bank Account No.000901064364, with ICICI Bank, Nungambakkam Branch, Chennai.

For Petitioner : Mr.Sunil Sudhakar Shanker

For R3 & R4 : Mrs. K. Vasanthamala
Government Advocate

ORDER

The petitioner is before this Court against the impugned Order dated 23.04.2024 passed by the 4th respondent for the tax period 2018-2019.

2. By the impugned order, the demand proposed in the Show Cause Notice in DRC-01 dated 03.01.2024 was confirmed.

3. The present writ petition was filed on 04.11.2024, slightly after the limitation period prescribed for filing an appeal against the impugned Order dated 23.04.2024.

4. The case of the petitioner is that the petitioner had voluntarily closed the business long before and that a request was made thereafter for cancellation of the GST Registration, and following the same, the GST Registration of the petitioner was also cancelled on 31.05.2022. Despite this, the impugned demand order was passed.

5. The Learned Government Advocate for the Respondents 3 and 4 would submit that the notice was sent to the address given by the petitioner at the time of filing the application dated 30.05.2022 for cancellation of GST registration. However, the petitioner was negligent in not responding to the said notice, thus, the impugned order was passed.

6. The Learned Government Advocate also produced the copy of the application filed for cancellation of GST Registration, wherein the following address was furnished by the petitioner:-

> "Old No.24, New No.8A,
> Jayalakshmipuram, 1st Street,
> Nungambakkam, Tamil Nadu
> Chennai – 600 034."
>
> Mobile Number : 9444075370
> Email Address : velmuruganck@yahoo.co.in"

7. A reading of the impugned order also indicates that the petitioner was sent a communication at the aforementioned e-mail id on 14.02.2024, however, the petitioner failed to respond. Additionally, a notice was sent to the aforesaid address given by the petitioner, to which, there was no response.

8. The dispute pertains to Input Tax Credit (ITC) availed by the petitioner for goods alleged to have been received. However, the petitioner has not produced any documents to substantiate the receipt of the goods for which the credit was availed. Only part of the demand proposed in the aforesaid show cause notice has been dropped.

9. No procedural irregularity is apparent from the reading of the impugned order based on the above facts. At the same time, the petitioner did not respond to the Notice in DRC-01 dated 03.01.2024, which culminated in the impugned Order dated 23.04.2024.

10. Considering the fact that the petitioner filed the writ petition on 04.11.2024, and following the consistent view taken under similar circumstances, the case is remitted back to the 4th respondent to pass a fresh order on merits, subject to the petitioner depositing 15% of the disputed tax

confirmed by the impugned Order dated 23.04.2024 in cash 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.

11. Within such time, the petitioner shall also file a reply to the impugned Show Cause Notice dated 03.01.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 23.04.2024 as an addendum to the Show Cause Notice dated 03.01.2024.

12. Subject to the petitioner complying with the above stipulations, the 4^{th} respondent shall proceed to pass a fresh order on merits, as expeditiously as possible, preferably within a period of three (3) months of such reply / pre-deposit. It is needless to state that, before passing any such order, the petitioner shall be heard.

13. The attachment of the bank account of the petitioner shall also stand automatically raised/vacated, subject to the petitioner complying with the above stipulations.

14. It is made clear that bank attachment shall be lifted subject to the

deposit of 15% of the disputed tax as ordered above and the petitioner is not in arrears of any other amount barring the amount demanded under the impugned order.

15. In case the petitioner fails to comply with any of the stipulations, the respondents are 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.

16. This Writ Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No costs.

28.01.2026

raja

Neutral Citation : Yes / No

To

1. The Secretary
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   New Delhi – 110 001.

2. The Chief Commissioner of Customs
   Custom House
   Chennai – 600 001.

3. The Secretary,
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<u>C.SARAVANAN, J.</u>

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