IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 258 of 2026
and
W.M.P. Nos. 300 & 303 of 2026

Tejas Enterprises,
Represented by its Proprietor,
Thiru Girish, No.5, Kakkalur – Putlur Road,
Near Anjaneya Temple,
Thiruvallur – 602 003. ... Petitioner

Versus

Deputy State Tax Officer,
Thiruvallur Assessment Circle,
Integrated Commercial Taxes Building,
Nazarathpet, Chennai – 600 123.
...Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus thereby calling for the records of the respondent herein in impugned order in Form DRC-07 having reference No.ZD330924049081J dated 06.09.2024 for the assessment year 2023-24 passed under Section 73 of the Tamilnadu Goods and Service Tax Act, 2017 read with Central Goods and Service Tax Act, 2017 herein after referred to as GST Act, 2017 and quash the same as arbitrary, unjust and illegal and violative of principles of Natural Justice and consequently direct the respondent to redo the assessment after affording opportunity of personal hearing to the petitioner.

For Petitioner : Mr.T.Suresh

For Respondent : Mr.V.Prashanth Kiran
Government Advocate

ORDER

Mr.V.Prashanth Kiran, learned Government Advocate, takes notice for the Respondent.

2. This Writ Petition is being disposed of at the time of admission with the consent of the learned counsel for the Petitioner and learned Government Advocate for the Respondent.

3. In this Writ petition, the petitioner has challenged the impugned order dated 06.09.2024, by which the demand proposed in the Show Cause Notice issued in Form GST DRC-01 dated 09.05.2024 has been confirmed. The said Show Cause Notice was issued for the tax period from April 2023 to December 2023 under Section 73 of the respective GST enactments.

4. The petitioner had filed a reply to the said Show Cause Notice on 26.07.2024 wherein it has been stated as under:-

"SIR We are yet to receive a credit of purchases made by us for the FY 2023-24 from our major vendors we are following them continuously to file their GSTR1 so that we can claim the CREDIT immediately in our GSTR 2B. I kindly request you to give some time for smooth running of our business Thank You."

5. It is the case of the petitioner that the petitioner had engaged the services of a Charted Accountant, who has since deceased under unfortunate circumstances. It is stated that the petitioner's GST credentials were misused by the said Charted Accountant.

6. It is further submitted that the petitioner is merely engaged in the servicing and installation of air-conditioning units and is not engaged in the sale of bricks. However, due to the misuse of the petitioner's GST credentials, the petitioner has been fastened with the tax liability for the above mentioned tax period. The details of the demand are as follows:-

FINANCIAL YEAR	ACT	TAX	INTEREST	PENALTY	TOTAL
2023-24	IGST	0	0	0	0
	CGST	679676	52959	67967	800602
	SGST	679676	52959	67967	800602
	TOTAL	1289353	105918	135934	1601204

7. Further, it is submitted that the petitioner had no necessity to personally defend himself at the relevant point of time. Therefore, one more

opportunity ought to be granted to the petitioner, as he was unaware of the demands raised in the GST proceedings initiated vide Show Cause Notice in Form GST DRC-01 dated 09.05.2024.

8. On the other hand, the learned Government Advocate for the respondent submitted that the Charted Accounted engaged by the petitioner passed away only after the impugned order was passed on 06.09.2024. It was further submitted that there is no material placed by the petitioner to establish that he was misled by the said Charted Accountant. That apart, the reply submitted by the petitioner dated 26.07.2024 is contrary to the averments made in the affidavit filed in support of the present writ petition.

9. Having considered the submissions of the learned counsel for the petitioner and the learned Government Advocate for the respondent and upon examining the nature of the allegations purportedly made against the petitioner, the case is remitted back to the respondent to pass a fresh order on merits, subject to the Petitioner depositing 10% of the disputed tax 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.

10. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 09.05.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 06.09.2024 as an addendum to the Show Cause Notice dated 09.05.2024.

11. 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 reply/pre-deposit. Subject to the Petitioner complying with the above stipulations, the attachment of the bank account of the Petitioner shall also stand automatically raised/vacated.

12. It is made clear that bank attachment shall be lifted subject to the deposit of 10% of the disputed tax as ordered above and the Petitioner is not in arrears of any amount barring the amount demanded under the impugned Order.

13. 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.

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

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

07.01.2026

Index : Yes/No
Neutral Citation :Yes/No
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To

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C.SARAVANAN, J.

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