IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.431 of 2026
and
W.M.P.Nos.513 and 515 of 2026

Tvl.Q Rich Interior,
Rep by its Proprietor
Sathyamoorthy Chowdhry ... Petitioner

Vs.

1.The State Tax Officer,
Periyanaickenpalayam Assessment Circle,
Coimbatore – 641 018.

2.The Deputy Commissioner (CT),
Appellate Authority,
Coimbatore. ... Respondents

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 in the order passed by the 1st respondent in GSTIN:33AXEPC3741R1ZC/2021-2022 along with DRC 07 Ref No.ZD331224284128H dated 31.12.2024 and consequential appellate order of the 2nd respondent in APL – 02 GSTIN/Temp ID/UIN:33AXEPC3741R1ZC dated 04.11.2025 and quash the same as arbitrary, bad in law and direct the 1st respondent to hear the case on merits.

For Petitioner : Mr.M.Narasimha Bharathi

For Respondents : Ms.Amirtha Poonkodi Dinakaran
Government Advocate

ORDER

Ms.Amirtha Poonkodi Dinakaran, learned Government Advocate 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 Government Advocate for the Respondents.

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 31.12.2024, which was preceded by a Show Cause Notice in GST DRC-01 dated 04.03.2024 for the tax period November 2021 – December 2021. By the impugned order, the following demand has been confirmed.

	CGST	**SGST**	**CESS**	**Total**
Wrong Availment of ITC by way of ITC	168143	168143	12010	348296
Interest for wrong availment of ITC u/s.50(3)	83252	83252	5946	172450
Penalty u/s.74(100%)	168143	168143	12010	348296

4. At this stage, the learned counsel for the Petitioner submits that the entire disputed tax and the CESS amount has been paid by the Petitioner.

5. Considering the fact that the impugned order dated 31.12.2024, the Petitioner would have been required to pre-deposited 50% of the disputed tax, as the Petitioner has failed to respond to the Show Cause Notice in GST DRC – 01 dated 04.03.2024. Since the disputed tax has been paid by the Petitioner, as it is evident from the extract of the Electronic Credit Ledger for the period between 23.05.2025 – 31.11.2025.

6. Following the consistent view taken by this Court under similar circumstances, the impugned order is quashed and the case is remitted back to the 1st Respondent to pass a fresh order on merits subject to the Petitioner filing a reply to the Show Cause Notice in GST DRC-01 dated 04.03.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 31.12.2024 as an addendum to the Show Cause Notice dated 04.03.2024.

7. In case the Petitioner complies with the above stipulations, the 1st 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 vacated.

8. In case the Petitioner fails to comply with any of the stipulations, the 1st 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.

9. Needless to state, before passing any such order, the 1st 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.

08.01.2026

Neutral Citation: Yes / No
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To:

1.The State Tax Officer,
Periyanaickenpalayam Assessment Circle,
Coimbatore – 641 018.

2.The Deputy Commissioner (CT),
Appellate Authority,
Coimbatore.

C.SARAVANAN, J.

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