



WEB COPY

WP No. 2289 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 2289 of 2026

AND

WMP NO. 2534 OF 2026, WMP NO. 2535 OF 2026

M/s.Delta Green Science

Rep. by its Proprietor, Kuttuva Surendranath

Devanand,

No.143/9A, Pillaiyar Kovil Street,

Theeyampakkam Village,

Chennai-600 060

..Petitioner(s)

Vs

The Deputy State Tax officer-i

Madhavaram Assessment circle,

room No.105, First floor, Integrated Commercial

Taxes Building, Wall Tax Road,

Chennai-600 003

..Respondent(s)

PRAYER

Writ Petition filed under Art.226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 29.08.2024 vide Reference No. ZD3308242658821 in Form GST DRC07 bearing GSTIN 33AFDPD4553M1ZJ pertaining to FY.2019-20 issued by the respondent as arbitrary and illegal and quash the



same and further direct the respondent to redo the adjudication in accordance with law after granting opportunity of personal hearing to the petitioner.

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For Petitioner(s): Ms.Mitra B

For Respondent(s): Mr.C.Harsharaj
Special Government Pleader

ORDER

Ms.Mitra B., 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.In this Writ Petition, the Petitioner has challenged the impugned Order dated 29.08.2024, which was preceded by a Show Cause Notice in GST DRC-01 dated 24.05.2024 wherein the Petitioner was called upon to appear for personal hearing. However, the Petitioner had not taken advantage of the same and thus, suffered the impugned Order dated 29.08.2024.



4. The Petitioner was also issued with Reminders on 05.07.2024 and 06.08.2024, which called upon the Petitioner to file a reply and to appear for a personal hearing on 15.07.2024 and 13.08.2024. The Petitioner however neither filed any reply nor appeared for the personal hearing fixed on 15.07.2024 and 13.08.2024. Thus, the impugned Order has been passed.

5. It is noticed that the limitation for filing an appeal under Section 107 of the respective GST enactments, 2017 against the impugned Order has already expired. The present Writ Petition has been filed only on 24.12.2025.

6. Under similar circumstances, Orders have been quashed and cases have been remitted back to the Respondent to pass a fresh order on terms subject to such Assessee depositing 25% to 100% of the disputed tax depending upon the length of delay in approaching the Court. I do not find any reason to take a different view in this case.

7. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the case is remitted back to the Respondent to pass a fresh order on merits subject to the Petitioner depositing 50% 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.



8. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 24.05.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 29.08.2024 as an addendum to the Show Cause Notice dated 04.05.2024.

9. 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 vacated.

10. It is made clear that bank attachment shall be lifted subject to the deposit of 50% of the disputed tax as ordered above and the Petitioner is not being in arrears of any other amount barring the amount demanded under the impugned Order.

11. 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.



12. It is needless to state, before passing any such order, the Respondent shall give due notice to the Petitioner.

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

27-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Deputy State Tax officer-i
Madhavaram Assessment circle,
room No.105, First floor, Integrated Commercial
Taxes Building, Wall Tax Road,
Chennai-600 003



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C.SARAVANAN J.

RPP

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