



W.P.No.1904 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.1904 of 2026

and

W.M.P.Nos.2000 and 2003 of 2026

Tvl.Sushmitha Fashions,
Rep.by its Proprietor,
Mr.Krishnasamy Rameshkumar,
No.323, E8, M.K.P Lay Out,
Cheyur Road, Avinashi,
Tiruppur-641 654,
Tamil Nadu.

... Petitioner

Vs.

The Deputy Commercial Tax Officer,
Avinashi Circle,
Avinashi.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the Respondent in the impugned Ex-Parte Order No.ZD3309241714739 dated 25.09.2024 u/s 73 of TNGST / CGST Act, 2017 and quash the same as illegal, arbitrary and it has been passed in contravention of principles of natural justice.

For Petitioner : Mr.Thyagarajan K
For Respondent : Ms.Amirtha Poonkodi Dinakaran,
Government Advocate



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ORDER

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

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 25.09.2024, which was preceded by a Show Cause Notice in GST DRC-01 dated 19.02.2024 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 25.09.2024.

4. 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 19.01.2026.



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5. At this stage, the learned counsel for the Petitioner submits that the Petitioner is willing to pre-deposit 50% of the disputed tax as a condition for *denovo* adjudication.

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 or from the Petitioner's Electronic Cash Register within a period of six weeks 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 19.02.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 25.09.2024 as an addendum to the Show Cause Notice dated 19.02.2024.



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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 Petitioner depositing 50% of the disputed tax as ordered above and the Petitioner not being in arrears of any other amount for any other tax period 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. Needless to state, before passing any such order, the Respondent shall give due notice to the Petitioner.



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WEB COPY 13. This Writ Petition stands disposed of with the above observations.

No costs. Connected Writ Miscellaneous Petitions are closed.

28.01.2026

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Neutral Citation: Yes / No

To:

The Deputy Commercial Tax Officer,
Avinashi Circle,
Avinashi.



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C.SARAVANAN, J.

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