



WEB COPY

WA No. 819 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

Writ Appeal No. 819 of 2026

and

C.M.P.No. 8630 of 2026

M/s.Singam Worldwide
Rep. by its Partner,
Sh.Kuppusamy Eswaran Gnanavelraja,
No.382, 10th Floor,
Seethakathi Business Centre,
Anna Sali,
Chennai-02.

..Appellant

Vs

1. The Assistant Commissioner of Commercial
Taxes, (ST),
Annasalai Assessment Circle,
No.1, PAPJM Annex Building,
4th Floor, Greams Road,
Chennai-06.

2. The Commissioner of Commercial Tax,
4th Floor, Ezhilagam Building,
Kamarajar Road, Chepauk,
Chennai-5.

..Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside order dated 03.12.2025 passed by the Honble Court of Madras, Chennai in WP No. 46118 of 2025.

For Appellant:

DR.Manimaran



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For Respondents:

Mr.T.N.C.Kaushik

Additional Government Pleader (Taxes)

JUDGMENT

(Judgment of the Court was delivered by Dr.G.Jayachandran J.)

The appellant herein, being aggrieved by the order passed by the learned Single Judge, has preferred this Intra-Court Appeal.

2. The short point involved in this case is that the tax demand and penalty imposed on the appellant, vide order dated 29.12.2023 after issuing a show-cause notice dated 28.09.2023, were challenged before the learned Single Judge by way of writ petition on the ground that the petitioner had closed his business in the month of September 2023 and thereafter, the show-cause notice and tax demand were issued only through the online portal and no proper notice was served to the writ petitioner to reply and contest the assessment.

3. After considering the said submissions, the learned Single Judge found no justification for the petitioner's failure to challenge the impugned order before the Appellate Authority at the earlier point of time, nor was the explanation regarding the show-cause notice dated 28.09.2023 found to be sufficient. After considering the plea of the appellant that they were unable to respond to the show-cause notice due to the closure of their business, the learned Single Judge quashed the impugned orders and remitted the matter for



fresh consideration on its merits. The remand was subject to the condition that the petitioner deposit 50% of the disputed tax i.e., Rs.15,99,371/- within 60 days from the date of receipt of the order.

4. The said conditional order is challenged in this Writ Appeal on the ground that the show-cause notice and the tax demand ought to have been served on the assessee by registered post. In this case, the Department failed to follow the prescribed procedure for the service of notice and therefore, it is contended that no conditional order ought to have been imposed while remitting the matter back to the Assessing Officer.

5. The learned counsel appearing for the appellant also relied upon the order passed by the very same learned Single Judge in W.P.No.4122 of 2022 dated 29.01.2024, wherein the matter was remitted back without imposing any condition.

6. This Court, on perusing the pleadings and the impugned order passed by the learned Single Judge, finds that the learned Single Judge had taken note of the fact that the petitioner had closed his business prior to the issuance of the impugned order. However, it is also a fact that the closure of business ought to have been intimated to the authorities within 90 days, along with the final records. In this case, though the assessee/appellant contends that



he had closed his business, the mandate under Section 45 of the Act has not been complied. The plea appears to have been raised only for the purpose of directly approaching this Court by way of writ petition. Hence, the learned Single Judge has rightly imposed a condition directing the appellant to deposit 50% of the tax demanded and to agitate the matter before the appropriate authority.

7. We find no reason to interfere in the said order. However, taking into consideration of the other facts and circumstances of the case, the condition to deposit 50% of the tax demanded is reduced to 25%. The said amount shall be paid within 30 days, the authority shall revisit the matter and pass appropriate orders within a period of two months.

8. With the above directions, this Writ Appeal stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

(G.J.,J.) (S.S.A.,J.)
07-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
rpl

To

1. The Assistant Commissioner of Commercial Taxes, (ST),
Annasalai Assessment Circle,
No.1, PAPJM Annex Building,
4th Floor, Greaves Road, Chennai-06.



2. The Commissioner of Commercial Tax,
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