IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.2059 of 2026
and
W.M.P.Nos.2210 and 2212 of 2026

KGR Engineering,
Represented by its Proprietor, R.Govindaraj,
No.828/2, Rohini Garden, Mitapudhur,
Salem-636 016. ... Petitioner

Vs.

1.The Deputy Commissioner,
The Appellate Authority under GST,
Varalakshmi Orchid, No.106, Ramakrishna Road,
Salem-636 007.

2.The Assistant Commissioner (ST),
Alagapuram Assessment Circle,
2nd Floor, Integrated Commercial Taxes Building,
Pitchards Road,
Hasthampatty, Salem-636 007. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent's demand order made in Reference No.ZD330825368946P dated 30.08.2025 and quash the same and consequently direct the respondents to give an opportunity of personal hearing.

For Petitioner : Mr.P.P.Suresh Babu
For Respondents : Mr.TNC Kaushik
Additional Government Pleader

ORDER

In this Writ Petition, the Petitioner has challenged the impugned Order dated 30.08.2025, passed by the 2nd respondent for the tax period 2021-2022 whereby, the demand proposed in Show Cause Notice in Form GST DRC-01 dated 23.06.2025 has been confirmed against the petitioner as the petitioner failed to file reply to the said Show Cause Notice.

2. The learned counsel for the petitioner submitted that the petitioner may be given one opportunity to file a reply and defend the case that the case may be remitted back to the respondents for fresh adjudication.

3. At this stage, the learned counsel for the petitioner further submits that the petitioner is willing to pre-deposit 10% of the disputed tax confirmed by the impugned order for such *de-novo* adjudication.

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 07.01.2026.

5. Under similar circumstances, Orders have been quashed and cases have been remitted back to pass a fresh order on terms subject to such

Assessee depositing 10% 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.

6. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the impugned order is quashed and the case is remitted back to the 2nd Respondent to pass a fresh order on merits subject to the Petitioner depositing 10% of the disputed tax in cash or 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.

7. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 23.06.2025 together with requisite documents to substantiate the case by treating the impugned Order dated 30.08.2025 as an addendum to the Show Cause Notice dated 23.06.2025.

8. In case the Petitioner complies with the above stipulations, the 2nd 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.

9. It is made clear that bank attachment shall be lifted subject to the petitioner depositing 10% 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.

10. 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.

11. Needless to state, any amount which has already recovered from the petitioner or paid by the petitioner against the tax liability confirmed by the impugned order shall be set off and adjusted towards the pre-deposit of 10% of the disputed tax as ordered above. This will be however subject to verification by the Respondents.

12. 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.

22.01.2026

ssn

Neutral Citation : Yes / No

To:

1.The Deputy Commissioner,
The Appellate Authority under GST,
Varalakshmi Orchid, No.106, Ramakrishna Road,
Salem-636 007.

2.The Assistant Commissioner (ST),
Alagapuram Assessment Circle,
2nd Floor, Integrated Commercial Taxes Building,
Pitchards Road,
Hasthampatty, Salem-636 007.

C.SARAVANAN, J.,

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