IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP Nos. 2279 & 105 of 2026
AND
WMP Nos. 2524, 2525, 84 & 85 2026

Sakthi Industries

Rep by its Partner,

Mr. K. Srinivsan,

Goodanagaram Road, Melalathur Post,

Gudiyatham Taluk, Vellore -632 602.

..Petitioner in both WPs

Vs

1. The Appellate Deputy Commissioner (ST)
   (GST), Goods and Service Tax
   Bharathiyar Salai, Fort Round Road,
   Vellore 632 001.
2. The Deputy Commissioner (ST)
   Vellore Division,
   Commercial Taxes Department,
   Bharathiyar Salai, Fort Round Road,
   Vellore 632 001.
3. The State Tax Officer, Commercial Tax Office
   Bharathiyar Salai, Fort Round road,
   Vellore 632 001.
4. The Deputy State Tax Officer
   Gudiyatham (West) Assessment Circle,

Commercial Tax Department No. 37/50,
Gandhi Road,Nadupet,
Gudiyatham 632602,Vellore -632 001.

5. The Branch Manager,
State bank of India, Gudiyatham No.15,
R.S.Road, Arunachala Nagar,
Gudiyatham 632 001.

..Respondents in both Wps

Prayer in W.P.No.2279 of 2026: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 29.08.2024 via Reference No. ZD330824822385 in GSTIN 33ACVFS1494B1ZY for the year 2019-20 passed by 4th Respondent and quash the same and consequentially direct the 5th respondent to de-freeze the bank account bearing A.C.No 32434251749 maintained at State Bank of India, Guidyatham branch.

Prayer in W.P.No.105 of 2026: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 30.08.2023 via Reference No.B2/DSTO-2/33ACVFS1494B1ZY/2019-20 in GSTIN 33ACVFS1494B1ZY for the year 2019-2020 passed by 4th Respondent and quash the same and consequently direct the 5th Respondent to de-freeze the bank Accounts bearing A/C. No.32434251749 maintained at State Bank of India, Gudiyatham Branch.

For Petitioner(s):	Mr. Rubesh Kumar in both WPs
For R1 to R4 :	Mr.C.Harsharaj Special Government Pleader in both WPs

COMMON ORDER

Mr.C.Harsharaj, learned Special Government Pleader, takes notice for the Respondents.

2. These Writ Petitions are being disposed of at the time of admission with the consent of the learned counsel for the Petitioner and learned Special Government Pleader for the Respondents.

3. In these writ petitions, the petitioner has challenged the respective impugned orders dated 30.08.2023 in W.P.No.105 of 2026 and 29.08.2024 in W.P.No.2279 of 2026.

4. A reading of the impugned orders indicates that the formal orders were purportedly passed under Section 74 and Section 73 of the respective GST Enactments. However, there is an apparent overlap and inconsistency in the provisions invoked while confirming the demands in the respective orders.

5. Insofar as the impugned order dated 30.08.2023 in W.P.No.105 of 2026 is concerned, the same is unsustainable, as it was passed without proper issuance of notice under Sections 73 or 74 of the respective GST Enactments.

6. With regard to the impugned order dated 29.08.2024, the same was preceded by a notice in Form GST DRC – 01 dated 11.06.2024, to which the petitioner filed a reply on 20.06.2024. However, thereafter, the petitioner failed to pursue the matter further and thus suffered the impugned order.

7. 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.

8. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the case is remitted back to the 4th Respondent to pass a fresh order on merits subject to the Petitioner depositing 50% of the disputed tax in respect of the impugned order dated 29.08.2024, 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.

9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 11.06.2024 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 11.06.2024.

10. In case the Petitioner complies with the above stipulations, the 4th 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.

11. 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.

12. In case the Petitioner fails to comply with any of the stipulations, the 4th 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.

13. Needless to state, before passing any such order, the Respondent shall give due notice to the Petitioner.

14. In the result:-

(i) The writ petition in W.P.No.105 of 2026 is allowed. No costs. Connected Writ Miscellaneous Petitions are closed.

(ii) The writ Petition in W.P.No.2279 of 2026 is disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

23-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

av

To

1. The Appellate Deputy Commissioner (ST)
   (GST), Goods and Service Tax
   Goods and Service Tax
   Bharathiyar Salai, Fort Round Road,
   Vellore 632 001.

2. The Deputy Commissioner (ST)
   Vellore Division, Commercial Taxes
   Department Bharathiyar Salai, Fort Round
   road,Vellore 632 001.

3. The State Tax Officer, Commercial Tax Office
   Bharathiyar Salai, Fort Round Road,
   Vellore 632 001.

4. The Deputy State Tax Officer
   Gudiyatham (West) Assessment Circle,
   Commercial Tax Department No. 37/50,
   Gandhi Road,Nadupet, Gudiyatham
   632602,Vellore -632 001

5. The Branch Manager,
   State bank of India, Gudiyatham No.15,
   R.S.Road, Arunachala Nagar,
   Gudiyatham 632 001

C.SARAVANAN J.

av

WP Nos. 2279 & 105 of 2026
AND
WMP Nos. 2524, 2525, 84 & 85 2026

23-01-2026