IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.2024 of 2026
and
W.M.P.Nos.2139 and 2141 of 2026

M/s.Vaithialingam Thangaraj,
Represented by its Proprietor V.Thangaraj ,
No.50, Suramangalam Main Road,
3 Roads, Pallapatty Town,
Salem 636 009. ... Petitioner

Vs.

The State Tax Officer,
Data Analytical unit II,
Office of the Commercial Tax Officer,
Intelligence, Salem. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings passed by the Respondent in order vide GSTIN: TN-GST 33ABVPT8050D1ZC / 2021-2022 dated 20.02.2025 along with consequential summary of order in FORM GST DRC 07 bearing no. ZD330225204623W dated 20.02.2025 passed under Section 74 of the Act, for FY 2021-2022, to quash the same.

For Petitioner : Ms.M.Priya Dharshini
For Respondent : Mrs.P.Selvi
Government Advocate

ORDER

Mrs.P.Selvi, 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 20.02.2025, in Form GST DRC-07 passed for the tax period 2021-2022 by the respondent, whereby, the demand proposed in Show Cause Notice in Form GST DRC-01 dated 30.03.2024 has been confirmed against the petitioner as the petitioner failed to file a reply to the said Show Cause Notice.

4. It is noticed that the limitation for filing an appeal under Section 107 of the respective GST enactments, 2017 against the said Assessment Order has already expired. The present Writ Petition has been filed only on 09.01.2026.

5. At this stage, the learned counsel for the petitioner submits that the petitioner is willing to pre-deposit 25% of the disputed tax confirmed vide impugned order as a condition for *de-novo* adjudication.

6. 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.

7. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the assessment order dated 20.02.2025 is quashed and the case is remitted back to the Respondent to pass a fresh order on merits subject to the Petitioner depositing 25% 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 30.03.2024 together with requisite

documents to substantiate the case by treating the impugned Order dated 20.02.2025 as an addendum to the Show Cause Notice dated 30.03.2024.

9. Any amount which has already recovered from the petitioner or paid by the petitioner against the tax liability demanded under the impugned order, shall be adjusted towards the pre-deposit of 25% of disputed tax as ordered above. This will be however subject to verification by the respondent.

10. 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.

11. It is made clear that bank attachment shall be lifted subject to the petitioner depositing 25% of the disputed tax as ordered above and the petitioner not being in arrears of any amount demanded for any other tax period barring the amount demanded under the said assessment Order.

12. 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.

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

14. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

22.01.2026

ssn

To:

The State Tax Officer,
Data Analytical unit II,
Office of the Commercial Tax Officer,
Intelligence, Salem

C.SARAVANAN, J.,

ssn

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