



WEB COPY



W.P.No.1982 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.1982 of 2026

and

W.M.P.Nos.2086 and 2090 of 2026

M/s.Vaithialingam Thangaraj
Represented by its Proprietor -
V.Thangaraj

... Petitioner

Vs.

The Assistant Commissioner,
Office of the Assistant Commissioner of CGST and Central Excise,
Salem – I Division,
No.106, 3rd Floor, Varalakshmi Orchid,
Ramakrishna Road,
Salem – 636 007.

... 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 relating to the impugned proceedings passed by the Respondent in the impugned order-in-original: 21/2025-GST (AC-SLM-I-DVN) vide DIN:20250259XP0000111C61 2020-2021 dated 28.02.2025 along with consequential summary of order in Form GST DRC 07 bearing No.ZD3302253034800 dated 28.02.2025 passed under Section 73 of the Act, for the financial year 2020-2021, to quash the same.



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For Petitioner : M/s.R.Hemalatha
For Respondent : Mr.S.M.Deenadayalan
Senior Standing Counsel

ORDER

Mr.S.M.Deenadayalan, learned Senior Standing Counsel 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 Senior Standing Counsel for the Respondent.

3. In this Writ Petition, the Petitioner has challenged the impugned Order-in-Original dated 28.02.2025, which was preceded by a Show Cause Notice in GST DRC-01 dated 28.11.2024 wherein the Petitioner was called upon to appear for personal hearing.

4. The learned counsel for the Petitioner submits that the Petitioner had filed an appeal for approaching this Court at an earlier point of time. However, the Petitioner has approached this Court by filing this Writ Petition on 09.01.2026.



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5. At this stage, the learned counsel for the Petitioner submits that the Petitioner is willing to pre-deposit 25% 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 25% 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 28.11.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 28.02.2025 as an addendum to the Show Cause Notice dated 28.11.2024.



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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 25% 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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13. This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

21.01.2026

Neutral Citation: Yes / No
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To:

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Office of the Assistant Commissioner of CGST and Central Excise,
Salem – I Division,
No.106, 3rd Floor, Varalakshmi Orchid,
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C.SARAVANAN, J.

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