



W.P.No.3964 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.3964 of 2026

and

W.M.P.Nos.4417 and 4419 of 2026

M/s.Malani Electricals,
Represented by its Proprietor,
Mr.Jagadish Malani.

... Petitioner

Vs.

The Deputy State Tax Officer,
Peddunaickenpet Assessment Circle,
Room No:208, Second Floor,
Integrated Commercial Taxes Office Complex,
No.32, Elephant Gate Bridge Road,
Veperiy, Chennai - 600 003.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for records of the impugned order in GSTIN:33AJHPM4252C1ZM/2021-22 dated 19.07.2024 along with DRC – 07 Order under Section 73, Ref.No.ZD330724230143U dated 19.07.2024 on the file of the Respondent herein and quash the same as illegal, arbitrary against the principle of natural justice and against the law.

For Petitioner : Mr.S.Chetan Prakash

For Respondent : Mr.TNC.Kaushik
Additional Government Pleader



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ORDER

Mr.TNC.Kaushik, learned Additional Government Pleader 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 Additional Government Pleader for the Respondent.

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 19.07.2024, which was preceded by a Show Cause Notice in GST DRC-01 dated 16.03.2023 wherein the Petitioner was called upon to appear for personal hearing. However, the Petitioner had not taken advantage of the same and thus, suffered the impugned Order dated 19.07.2024.

4. The Petitioner was also issued with Reminders on 18.04.2023, 02.05.2023 and on 24.05.2023, which called upon the Petitioner to file a reply and to appear for a personal hearing. The Petitioner however neither filed any reply nor appeared for the personal hearing fixed on 25.04.2023, 09.05.2023 and on 31.05.2025. Thus, the impugned Order has been passed.



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5. 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 20.01.2026.

6. At this stage, the learned counsel for the Petitioner submits that the Petitioner is willing to pre-deposit 50% of the disputed tax as a condition for *denovo* adjudication.

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 Respondent to pass a fresh order on merits subject to the Petitioner depositing 50% 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.



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9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 16.03.2023 together with requisite documents to substantiate the case by treating the impugned Order dated 19.07.2024 as an addendum to the Show Cause Notice dated 16.03.2023.

10. Needless to state, any amount recovered from the Petitioner / paid by the Petitioner, towards the tax liability confirmed vide impugned order, shall be adjusted towards the aforesaid pre-deposit of 50% as ordered above. This will be however subject to verification by the Respondent.

11. 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.

12. 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



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Petitioner not being in arrears of any other amount for any other tax period
barring the amount demanded under the impugned Order.

13. 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.

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

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

11.02.2026

Neutral Citation: Yes / No
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To:
The Deputy State Tax Officer,
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C.SARAVANAN, J.

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