



WEB COPY



W.P.No.2493 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.2493 of 2026

and

W.M.P.Nos.2733 and 2737 of 2026

Tvl.Asterix Energy,
Represented by its Partner,
Mr.H.Praveen
Aged 55 years
5, 54th Lane, Ashok Nagar,
Chennai-600 083.

... Petitioner

Vs.

The Deputy Commercial Tax Officer,
Kodambakkam:Central-III,
Kodambakkam Assessment Circle,
Station:No.1, Greaves Road,
Annexure Building, 4th Floor,
Chennai-600 006.

... 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 in Reference No.ZD331024226346T dated 29.10.2024 u/s.73 of the TNGST Act, 2017 along with a summary of the order dated 29.10.2024 in Reference No.ZD331024226346T on the file of the Respondent relating to F.Y.2021-22 and quash the same.

For Petitioner : M/s.Janani.N

For Respondent : Mr.TNC.Kaushik,

Additional Government Pleader



W.P.No.2493 of 2026

WEB COPY

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 Government Advocate for the Respondent.

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 29.10.2024, which was preceded by a Show Cause Notice in GST DRC-01 dated 10.09.2024 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 29.10.2024.

4. The Petitioner was also issued with Reminders on 25.10.2024 and 28.10.2024, 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 28.10.2024 and 29.10.2024. Thus, the impugned Orders have been passed.



W.P.No.2493 of 2026

WEB COPY

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 22.01.2026.

6. At this stage, the learned counsel for the Petitioner submits that the Petitioner is willing to pre-deposit 100% 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.



W.P.No.2493 of 2026

WEB COPY

9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 10.09.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 29.10.2024 as an addendum to the Show Cause Notice dated 10.09.2024.

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 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 Respondent is at liberty to proceed against the Petitioner to recover the



W.P.No.2493 of 2026

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. Connected Writ Miscellaneous Petitions are closed.

28.01.2026

nvi
Neutral Citation: Yes / No

To:

The Deputy Commercial Tax Officer,
Kodambakkam:Central-III,
Kodambakkam Assessment Circle,
Station:No.1, Greams Road,
Annexure Building, 4th Floor,
Chennai-600 006.



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C.SARAVANAN, J.

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