IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 3112 of 2026
and
WMP.Nos.3494 & 3495 of 2026

Palanisamy Arun Prasanth
Proprietor of M/s. Sri Jaivel Cotton Mill,
1/261B, Kaikalan Thottam,
K. Ayyampalayam Post Palladam, Tiruppur, Tamil
Nadu- 641662

..Petitioner(s)

Vs

The Assistant Commissioner (ST)
Palladam -2 Assessment Circle,
Tiruppur, Tamil Nadu.

..Respondent(s)

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 the order vide GSTIN-33BRHPA4711M1Z0/2020-21 dated 20.02.2025 along with impugned consequential order through FORM GST DRC-07 bearing Ref No. ZD3302251956648 along with Impugned order of Rejection of application for rectification bearing Ref No. ZD3311251321630 for the financial year 2020-2021, to quash the same.

For Petitioner(s): Mr.J.R.Devanand

For Respondent(s): Mrs.K.Vasanthamala

Government Advocate

ORDER

Mrs.K.Vasanthamala, 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 order dated 20.02.2025 issued in Form GST DRC – 07 for the tax period 2020-2021. Pursuant to which, the petitioner filed an application for rectification on 05.10.2025. However, the said application was rejected by an order dated 08.11.2025 passed under Section 161 of the respective GST Enactments. The impugned order is an *exparte* order.

4. 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 29.01.2026.

5. At this stage, the learned counsel for the Petitioner submits that the Petitioner is willing to pre-deposit 25% of the disputed tax 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 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 26.11.2024 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 26.11.2024.

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.

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

30-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

The Assistant Commissioner (ST)
Palladam -2 Assessment Circle,
Tiruppur, Tamil Nadu.

C.SARAVANAN, J.

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