IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 2935 of 2026
AND
WMP NO. 3280 OF 2026,WMP NO. 3279 OF 2026

Inko Enterprises Private Limited
Represented by its Managing Director, Mr. Shin
Hongsub,No49/39, Astalakshmi Nagar,
Senneerkuppam, Tiruvallur, Chennai, Tamil
Nadu-600 056

..Petitioner(s)

Vs

The State Tax officer
(also known as commercial Tax officer)
Group-VII, Intelligence -II, Commercial Taxes
building, PAPJM Building, Room No.107,
1st floor, No.1, Greams Road, Chennai-600 006

..Respondent(s)

PRAYER

Writ Petition filed under Art.226 of Constitution of India seeking for issuance of Writ of Certiorari, calling for the records of the respondent in GSTIN/33AACCI1437N1ZL /2018-19 dated 03.11.2025, Order under section 74 and the summary of the order in Form GST DRC-07 dated 03.11.2025 both issued in Reference No ZD331125016567L and quash the same.

For Petitioner(s): Mr. A.N.R.Jayaprathap

For Respondent(s): Ms.Amirtha Poonkodi Dinakaran,
Government Advocate

ORDER

Ms.Amirtha Poonkodi Dinakaran, 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. The Petitioner is before this Court against the impugned Assessment Order dated 03.11.2025 in Form GST DRC – 07 passed by the Respondent issued for the tax period 2018-2019, which has been passed in the light of decision held by Hon'ble Supreme Court of India in the case of ***C.C. C.E. And S.T. Bangalore (Adjudication) and others vs. Northern Operating Systems Pvt. Ltd., reported in (2022) 17 SCC 90.***

4. The impugned Assessment Order dated 03.11.2025 was preceded by a Show Cause Notice dated 29.06.2025 in Form GST DRC-01, however the petitioner failed to give a proper reply. The only reply that was given by the petitioner to the Show Cause Notice in Form GST DRC-01 in so far as the

receipt of Rs.35,00,772/- under the other expenses. A reading of the aforesaid reply clearly indicates that the petitioner's reply is incomplete.

5. It is the case of petitioner that since the aforesaid amount pertains to OBRA Branch in Uttar Pradesh, the petitioner would have given details of the agreement and the names of customers under whom outside the jurisdiction of the respondent and within the jurisdiction of GST Authorities of the State of Uttar Pradesh having jurisdiction over the OBRA branch.

6.Prima facie impression that is available from the petitioner's reply is that the petitioner is a catering unit, which is providing catering services to various automobile and ancillary automobile unit in and around Sriperumbudur, Kancheepuram District to cater needs of Korean nationals, who are on deputation to various automobile ancillary units in the State of Tamil Nadu.

7.It is the further case of petitioner that the aforesaid amount was paid for OBRA Branch, for which, the petitioner would have filed necessary documents to establish the same. Since the petitioner contends that the aforesaid amount is taxable, if at all, only by the GST Authorities having jurisdiction over the OBRA Branch, it is incumbent upon the petitioner to establish the same by producing cogent materials.

8. I have considered the submissions advanced by the learned counsel for the Petitioner and the learned Government Advocate for the Respondents.

9. Following the consistent view taken by this Court under similar circumstances, the impugned order is quashed and the case is remitted back to the Respondent to re-do the exercise subject to the Petitioner depositing 10% of the disputed tax in cash from the Petitioner's Electronic Credit Ledger within a period of thirty (30) days from the date of receipt of a copy of this order.

10. Within such time, the Petitioner shall also file a proper reply to the Show Cause Notice in GST DRC-01 dated 29.06.2025 together with requisite documents to substantiate the case by treating the impugned Assessment Order dated 03.11.2025 as an addendum to the Show Cause Notice dated 29.06.2025.

11. In case there has been any recovery made from the petitioner or any amount paid by the Petitioner towards the tax liability confirmed vide impugned order, the same shall be set off for the purpose of pre-deposit of 100% as ordered above. This will be however subject to verification by the respondent.

12. 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 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.

13. It is made clear that bank attachment shall be lifted subject to the deposit of 10% of the disputed tax as ordered above and the petitioner not in arrears of any other amount of any other tax period barring the amount for the tax period demanded under the impugned Order.

14. 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.

15. It is needless to state, before passing any such order, the 2nd Respondent shall give due notice to the Petitioner.

16. This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petition is closed.

29-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The State Tax Officer (also known as commercial
Tax officer) Group-VII, Intelligence -II,
Commercial Taxes building,
PAPJM Building, Room No.107,
1st floor, No.1, Greams Road,
Chennai-600 006

C.SARAVANAN J.

RPP

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