IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.4083 of 2026
and
W.M.P.Nos.4550 and 4552 of 2026

M/s.MA Quality Stone
Rep by its Authorized Representative
M.Sakthivel ... Petitioner

Vs.

The Assistant Commissioner (ST)(FAC),
O/o The Assistant Commissioner (ST),
Krishnagiri – 1 Assessment Circle,
Hosur Division, Krishnagiri. ... 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 of the respondent in his proceeding in GSTIN:33ABPFM6100K1Z8/2022-23 and quash the proceeding dated 24.09.2025 passed therein.

For Petitioner : Mr.B.Raveendran

For Respondent : Mr.TNC.Kaushik
Additional Government Pleader

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 Show Cause Notice in Form GST DRC – 01 dated 24.09.2025, wherein the Petitioner was proposed to pay the tax for the Tax Period 2022 – 2023 to which the Petitioner has not filed any reply.

4. The demand proposed in the impugned Show Cause Notice is on account of Seigniorage fee or Royalty fee for quarrying which payable by the Petitioner on reversed charge basis to the Government. The issue is now pending before the Hon'ble Supreme Court.

5. Under similar circumstances, cases have been remitted back to the Respondent to pass a order(s) on terms subject to such Assessee

depositing 10% 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.

6. Therefore, the case is remitted back to the Respondent to pass an order subject to the Petitioner depositing 10% of the disputed tax in cash 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.

7. Recovery of balance tax shall be however subject to orders of the Hon’ble Supreme Court on payment of Seigniorage fee or Royalty fee for quarrying. In case decision of the Hon’ble Supreme Court is in favour of the Petitioner, the tax amount now directed to be pre-deposit shall be refunded back or re-credited in the Petitioner’s Electronic Cash Register. In case, the Hon’ble Supreme Court decides the case against the Petitioner, the Petitioner shall pay the tax amount subject to such amount as may be ordered to be paid.

8. Therefore, the Petitioner shall file a reply to the Show Cause Notice in Form GST DRC – 01 dated 24.09.2025 together with requisite documents to substantiate the case within a period of thirty (30) days from

the date of receipt of a copy of this order.

9. In case the Petitioner complies with the above stipulations, the Respondent shall proceed to pass a final order in line with the decision of the Hon'ble Supreme Court on payment of Seigniorage fee or Royalty fee for quarrying. Subject to the Petitioner complying with the above stipulations, the attachment of the bank account of the Petitioner if any shall also stand automatically vacated.

10. It is made clear that attachment of Petitioner's bank account shall be lifted subject to Petitioner depositing 10% of the disputed tax as ordered above and subject to Petitioner is not being in arrears of any other amount barring the amount demanded under the impugned Show Cause Notice.

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.

06.02.2026

Neutral Citation: Yes / No
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To:

The Assistant Commissioner (ST)(FAC),
O/o The Assistant Commissioner (ST),
Krishnagiri – 1 Assessment Circle,
Hosur Division, Krishnagiri.

C.SARAVANAN, J.

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