IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP Nos. 3920 & 3921 of 2026
AND
WMP.Nos.4351, 4352 and 4354 of 2026

Ramakrishnan Muthugounder
Proprietor of Sakthi Agencies
1/449-A R.K.Building, Salem Main Road
Thalaivasal, Attur Tk, Salem, Tamil Nadu 636 112.

..Petitioner in both WPs

Vs

The State Tax Officer FAC
Attur Town Circle,
Salem, Tamil Nadu

..Respondent in both WPs

Prayer in WP.No.3920 of 2026: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records on the files of the Respondent herein in FORM GST DRC -07 with Ref. No. ZD330625033972C along with its detailed order in GSTIN 33AHLPR3504Q1ZW /2018-19 both dated 04.06.2025, quash the same.

Prayer in WP.No.3921 of 2026: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records on the files of the Respondent herein in the proceeding with Reference No: ZD331125207398J dated 12.11.2025 quash the same while directing the Respondent to re-dispose the application for rectification filed by the Petitioner dated 29.10.2025.

For Petitioner(s):	Mr.K.A.Parthasarathy in both WPs
For Respondent(s):	Mr.C.Harsharaj Special Government Pleader in both Wps

COMMON ORDER

Mr.C.Harsharaj, learned Special Government Pleader, takes notice for the Respondent.

2. By this common order, both these Writ Petitions are being disposed of at the time of admission with the consent of the learned counsel for the Petitioner and learned Special Government Pleader for the Respondent.

3. In W.P.No.3920 of 2026, the petitioner has challenged the impugned order dated 04.06.2025 in Form GST DRC - 07 passed by the respondent under Section 74 of the respective GST Enactments for the tax period 2018-2019. The said impugned order preceded a Show Cause Notice in Form GST DRC-01 dated 27.03.2025, to which the petitioner had filed a reply. However, it appears that the reply has not been fully considered while passing the impugned order.

4. In this background, the petitioner filed an application for rectification under Section 161 of the respective GST Enactments on 04.06.2025. The said application came to be rejected by the respondent vide order dated 12.11.2025, which is impugned in W.P.No.3921 of 2026.

5. The learned counsel for the petitioner submitted that although the petitioner had furnished a certificate from a Chartered Accounted in accordance with **CBIC Circular No.183/15/2022-GST** dated **27.12.2022**, the respondent nevertheless confirmed the demand against the petitioner on the ground that the petitioner had not produced proper documents for availing Input Tax Credit on the supplies made by the supplier, namely Sakthi Agencies.

6. It is further submitted by the learned counsel for the petitioner that there is no allegation either in the Show Cause Notice in Form GST DRC-01 or in the impugned order regarding suppression of facts, wilful misstatement, or any other ingredient necessary for invocation Section 74 of the respective GST Enactments against the petitioner.

7. The learned Special Government Pleader for the respondent submitted that the case may be remitted back to the respondent for passing fresh orders on merits.

8. Having considered the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader for the respondent, the impugned orders are quashed and the cases are remitted back to the respondent to pass fresh orders, on merits, in view of the infirmities in the impugned orders as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

9. Needless to state, the respondent shall consider the certificate issued by the petitioner and record a specific finding as to why such certificate cannot be accepted, if the demand is proposed to be confirmed against the petitioner.

10. In view of the submission that the reply filed by the taxpayer for the disputed period was not properly verified and that the documents produced were found to be insufficient without proper adjudication, there shall be a direction that there must be proper adjudication of the reply and the documents filed along with it before passing a final order. Accordingly, the respondent is directed to pass fresh final orders on merits, after affording due opportunity to the petitioner.

11. It is made clear that it shall be open to the petitioner to raise all other issues, including jurisdictional issues, during the *denovo* adjudication before the respondent.

12. All recovery proceedings initiated against the petitioner shall be kept in abeyance till the final order is passed in the *denovo* proceedings.

13. These Writ Petitions stand disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

05-02-2026

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

To

The State Tax Officer FAC
Attur Town Circle,
Salem,
Tamil Nadu.

C.SARAVANAN J.

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