IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.02.2026
Coram
The Honourable **Mr.Justice C.Saravanan**

W.P.No.4071 of 2026
and
W.M.P.Nos.4529, 4531 & 4535 of 2026

Mrs.Pushpamani
Proprietor, Tvl. Sre Pushpamani Fabrics
No.6 Street No.6, Kumaresapuram Street
Tiruchengode, Namakkal,
Tamil Nadu-637211. ..Petitioner

Vs.

1 The State Tax Officer
(also Known as the commercial Tax Officer)
Tiruchengode Town Namakkal Salem Tamil Nadu.
2 The Branch Manager
Karur Vysya Bank, Sankari Road
Tiruchengode-637 211.
3 The Authorised Signatory
Tamil Nadu Mercantile Bank Ltd
Tiruchengode Branch,
10 South Car Street
Tiruchengode-637 211.
...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records from the files of the 1st Respondent herein in GSTIN 33AJJPP3090P1ZO/2017-18 dated 13.06.2024 Order under section 74 and the summary of the order in Form GST DRC-07 both dated 13.06.2024 issued in Reference No ZD330624103017X and consequential order passed in 33AJJPP3090P1ZO/2024/A1/ Dated 08.11.2024 and quash the same and consequently direct the 1st respondent to lift the attachment of the petitioner's Bank Account associated with PAN. AJJPP3090P held by the petitioner in the 2nd respondent bank and pass.

For Petitioner : Mr.A.N.R.Jayaprathap
For Respondent-1 : Mrs.P.Selvi
Government Advocate

Order

With the consent of Mr.A.N.R.Jayaprathap, the learned counsel appearing for the Petitioner and Mrs.P.Selvi, learned Government Advocate, who accepts notice for the first Respondent, this Writ Petition is being disposed of at the time of admission.

2. The Petitioner is a Proprietrix of Tvl. Sre Pushpamani Fabrics. The Petitioner is before this Court against the impugned Order dated 13.06.2024 passed in Form GST DRC-07 under Section 74 of the respective GST Enactments for the tax period 2017-18 by the Respondent, whereby, the proposal in the Show Cause Notice in Form GST DRC-01 dated 16.03.2024 has been confirmed.

3. The Petitioner has also challenged the Bank Attachment Notice dated 08.11.2024 addressed to the Petitioner's Banker, Karur Vysya Bank, Tiruchengode, which has been issued in regard to the Recovery Proceedings.

4. The learned counsel appearing for the Petitioner would submit that the Petitioner is merely a name lender and that, the entire business was carried on by the Petitioner's husband, (since deceased on 29.10.2025), therefore, the Petitioner was not aware of the impugned Order only when the Bank Attachment Notice was received from the third Respondent, Tamil Nadu Mercantile Bank Ltd., Tiruchengode Branch, the Petitioner became aware of the impugned Proceedings and immediately, the Petitioner approached the Legal Consultant and on his opinion, filed the present Writ Petition.

5. The learned counsel for the Petitioner has drawn the attention of this Court to Paragraph Nos.6 and 7 of the affidavit filed in support of this Writ Petition to substantiate his contention, which reads as under:-

> "**6.** I submit that I was only a name lender to the Business and that the entire Business operations and

> maintenance of accounts were handled exclusively by my husband, who alone had knowledge of the GST Portal User ID and password. After his demise, and after considerable difficulty, I was able to retrieve the User ID and Password with the assistance of the auditor and undertook steps to verify the GST Portal.
>
> 7. It is pertinent to state that when I came to know about the impugned Order, i.e after receiving Bank Attachment Notice from the third Respondent, I immediately approached the Legal Consultant to provide an opinion about how to proceed against the impugned Order and upon the suggestions provided by the Legal Consultant I filed this Writ Petition.''

6. That apart, it is submitted by the learned counsel for the Petitioner that almost 40% of the disputed tax has been recovered from the Petitioner's Bank Account pursuant to the aforesaid Bank Attachment Notice dated 08.11.2024. Therefore, the learned counsel for the Petitioner submitted that the Petitioner has a fair case to succeed and prays that one opportunity be given to the Petitioner.

7. The learned Government Advocate for the first Respondent, on the other hand, would submit that this Writ Petition is liable to be dismissed in light of the decision of the Hon'ble Supreme Court in **Asstt. Commr.(CT),**

LTU, Kakinada V. Glaxo Smith Kline Consumer Health Care Ltd., [C.A.No.2413 of 2020, dated 06.05.2020]. As regards the recovery of 40% of the disputed tax from the Petitioner's Bank Account is concerned, the learned Government Advocate for the first Respondent, however, unable to confirm the same.

8. I have considered the submissions of the learned counsel appearing for the Petitioner and learned Government Advocate for the first Respondent.

9. Under similar circumstances, orders have been quashed and the cases have been remitted back to pass a fresh order 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.

10. Considering the above and following the consistent view taken by this Court under similar circumstances, the case is remitted back to the first Respondent subject to the Petitioner filing a reply to the Show Cause

Notice in Form GST DRC-01 dated 16.03.2024 together with requisite documents to substantiate the defence by treating the impugned Order in Form GST DRC-07 dated 13.06.2024 as an addendum to the aforesaid Show Cause Notice within a period of 30 days from the date of receipt of a copy of this Order.

11. Needless to state, the amount stated to have been recovered from the Petitioner's Bank Account, i.e. 40% of the disputed tax shall be verified by the first Respondent and thereafter, the first Respondent shall proceed to pass fresh orders on merits and in accordance with law as expeditiously as possible, preferably, within a period of three (3) months from the date of receipt of Reply from the Petitioner.

12. The attachment of the Bank Account of the Petitioner shall also stand automatically raised/vacated, subject to the verification of 40% of the disputed tax stated to have been recovered from the Petitioner's Bank Account.

13. It is made clear that the Bank Attachment shall be lifted subject to the verification, as stated above and the Petitioner not being in arrears of any other amount barring the amount demanded under the respective impugned order.

14. In case, the Petitioner fails to comply with the above stipulation, the first 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 that before passing any such order, the Petitioner shall be heard.

16. This Writ Petition stands disposed of with the above observations. Consequently, connected miscellaneous petitions are closed. No costs.

05.02.2026

sd

Index : yes/no
Neutral Citation : yes/no

C.Saravanan,J.,
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