IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HONOURABLE MR JUSTICE C. SARAVANAN

WP No. 4340 of 2026
and
WMP NO. 4817 OF 2026, WMP NO. 4815 OF 2026

Tvl Greenline Cocopeat
Represented by its Proprietor,
Mr.N.Arvind, 378/A, Agraharakannadi
Pudhur, East Neelambur, A K Pudhur
Post, Madathukulam Taluk, Tiruppur,
Tamil Nadu.

Petitioner(s)

Vs

The Assistant Commissioner
Udumalpet(south)Assessment circle
Udumalpet

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for records on the files of the Respondent herein in Form GST DRC 07 dated 25.02.2025 along with its accompanying detailed order dated 25.02.2025 for the Apr 2020 Mar 2021, as modified in his Form GST DRC 08 vide Reference No.ZD330425121816J dated 16.04.2025 along with its accompanying detailed order vide Ref 33AKDPA5606P1Z9/2020-21 dated 16.04.2025, quash the same in so far as it relates to the extent of balance tax, levy of interest of Rs. 6,46,866, penalty of Rs.92,918 and late fee of Rs.1,500 or pass such further or other orders as it may deem fit and proper in the facts and circumstances of the case and render justice. 2.It is further just and necessary that this Honble High Court may be pleased to STAY all further recovery proceedings of the Respondent herein in Form GST DRC 08 vide Reference No.ZD330425121816J dated 16.04.2025 along with its accompanying detailed order vide Ref 33AKDPA5606P1Z9/2020 21 dated 16.04.2025, to the extent of balance tax, levy of interest of Rs. 6,46,866, penalty of Rs. 92,918 and late fee of Rs.1,500 pending disposal of the present writ petition

For Petitioner : Mr.N.Prasad

For Respondent : Ms.Amirtha Poonkodi Dinakaran,
Government Advocate

ORDER

Ms.Amirtha Poonkoodi 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 challenging the impugned order dated 16.04.2025 passed for the tax period April 2020–2021 under Section 161 of the respective GST Enactments in reference to the order in original dated 25.02.2025.

4. By the impugned order, the demand that has been confirmed against the petitioner is as follows:-

S.No.	Description	SGST	CGST	IGST	CESS	Total
1	2	3	4	5	6	7
1	Total tax due in (under declaration of output tax) + (Excess claim of ITC) above	364598	364598	2370	0	731566
2	Interest	322385	322385	2096	0	646866
3	Penalty on amount in	36459	36459	20000	0	92918

	S.No.1					
4	Late fee	750	750	0	0	1500
5	**Total (1+2+3+4)**	**724192**	**724192**	**24466**	**0**	**1472850**

5. Earlier, the petitioner had suffered an assessment order for the aforesaid period on 25.02.2025, wherein the demand that was confirmed against the petitioner is as follows:-

S.No.	**Description**	**SGST**	**CGST**	**IGST**	**CESS**	**Total**
1	2	3	4	5	6	7
1	Total tax due in (under declaration of output tax) + (Excess claim of ITC) above	399444	399444	2370	0	801258
2	Interest	343150	343150	2036	0	688336
3	Penalty on amount in S.No.1	39944	39944	20000	0	99888
4	Late fee	750	750	0	0	1500
5	**Total (1+2+3+4)**	**783288**	**783288**	**24406**	**0**	**1590982**

6. The petitioner ought to have filed an appeal before the Appellate Commissioner within the period of limitation prescribed under Section 107 of the respective GST Entactments against the impugned rectification order dated 16.04.2025. The petitioner failed to file the same and has approached this Court.

7. The explanation offered by the petitioner in the affidavit filed in support of this writ petition is that the petitioner does not have an in-house department to handle the GST cases and that the entire affairs are handled by the

petitioner's proprietor and due to miscommunication, the impugned rectification order was not challenged before the Appellate Authority.

8. Learned counsel for the petitioner submits that the petitioner has already discharged the tax liability confirmed by the impugned rectification order dated 16.04.2025 to the extent of Rs.7,31,566/- and that the petitioner disputes the imposition of interest under Section 50(1) and penalty of Rs.92,918/-.

9. Learned counsel for the petitioner further submits that the petitioner is predominantly engaged in export of goods and has sufficient Input Tax Credit in its account and therefore there was no occasion to evade tax. It is submitted that the mistake was inadvertent and has been accepted by the petitioner and the petitioner has paid the tax in terms of the impugned order.

10. It is further submitted by the learned counsel for the petitioner that the petitioner is willing to secure the interest of the revenue by depositing part of the amount towards interest as a condition for granting liberty to file an appeal before the Appellate Authority, though the limitation has already expired.

11. Learned counsel for the respondent submits that appropriate orders may be passed in line with orders passed under similar circumstances.

12. Having considered the submissions made by the learned counsel for the petitioner and the learned counsel for the respondent and taking note of the fact that the petitioner has discharged the tax liability confirmed by the impugned order dated 16.04.2025 and that the dispute now pertains only to interest and penalty, liberty is granted to the petitioner to challenge the impugned order insofar as interest and penalty is concerned alone before the Appellate Authority, subject to the petitioner depositing Rs.1,50,000/- within a period of 30 days from the date of receipt of this order.

13. In case such an appeal is filed, the Appellate Authority shall dispose of the appeal on merits after hearing the petitioner without further reference to limitation on its own turn.

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

09-02-2026

cda

C.SARAVANAN J.

cda

To

The Assistant Commissioner,
Udumalpet (South) Assessment Circle,
Udumalpet.

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