IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HONOURABLE MR JUSTICE C. SARAVANAN

WP No. 4858 of 2026
and
WMP Nos.5425, 5427 & 5428 of 2026

M/s.S&S Power Switchgear Equipment Limited,
Plot No.11, CMDA Industrial Area-II,
Chithamanur Village, MM Nagar, District,
Kancheepuram, Chennai 603 209.
Represented by its Authorized Signatory, Tamil Nadu, India,
Mr.N.Balasubramanian

Petitioner(s)

Vs

1. The State Tax Commissioner,
Maraimalainagar Assessment Circle,
Chengalpattu District, Tamil Nadu.

2. The Deputy Commissioner (ST),
No.26, Abhirami Complex,
Kanchipuram High Road,
Thimmavaram, Chengalpattu 603 101.

3. The Bank Manager,
Kotak Bank Ltd.,
A/c.No.0911177211
Capitale, Ground Floor, 5554-555 A Wing,
Teynampet, Anna Salai,
Chennai 600 018.
Tamil Nadu, India.

4. The Bank Manager,
ICICI Bank Ltd.,
A/c.No.000105021511,
No.1, Cenotaph Road,
Chennai 600 108.
Tamil Nadu, India.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of certiorari, calling for the records of the first respondent relating to the Form GST DRC-07 bearing GSTIN:33AALCS1923Q2ZW/2021-22 dated 28.10.2025, and consequential Form GST DRC-13 bearing Ref.No.33AALCS1923Q2ZW/2021.04.01 to 2022.03.31 dated 29.01.2026 issued by the Second respondent, quash the same.

For Petitioner(s): M/s.Dhanamadhiai
for Mr.Anandakrishna Gopalan

For Respondent(s): Mr.C.Harsha Raj
Special Government Pleader for
R1 and R2

ORDER

The petitioner is before this Court against the impugned Assessment Order dated 28.10.2025 passed for the tax period 2021-2022. The impugned Assessment Order has preceded a Show Cause Notice in Form DRC-01 dated 10.06.2025, to which the petitioner has failed to file a reply. Thus, the impugned order has been passed *ex parte*.

2. By the aforesaid impugned Assessment Order, the following demand has been confirmed against the petitioner.

Summary:

The total tax payable on account of these deficiencies is arrived 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	2306026	2306026	4416649	0	9028701
2.	Interest	1692181	1692181	2867843	0	6252205
3.	Penalty on amount in S.No.1	230603	230603	441665	0	902871
4.	Late fee	175	175	0	0	350
5.	Total (1+2+3+4)	4228985	4228985	7726157	0	16184127

3. The impugned demand has been confirmed on the following heads:

(i) Under declaration of tax payable as per returns

(ii) Excess claim of ITC

(iii) Excess claim of ITC in GSTR-3B w.r.t GSTR-9

(iv) Claim of ineligible ITC-Sec 17(5)

(v) ITC claimed from cancelled dealers, return defaulters & tax non payers.

(vi) Interest on late reporting of invoices

(a) Interest on invoice value increased through amendments

(b) GSTR-1 late fee

4. In challenge to the impugned order is primarily on the ground that the on the same day, the very same officer dropped the demand in response to item nos.(i) and (ii) and therefore, the impugned orders are unsustainable.

5. Apart from that, the petitioner was unaware of the orders as they were not directly communicated to the petitioner and that the petitioner became aware of the impugned order only after the recovery proceedings have initiated.

6. The petitioner had also taken steps to rectify the impugned orders, in the light of the earlier order dated 28.10.2025 passed in pursuant to the Show Cause Notice in DRC-01 dated 23.09.2025.

7. Having considered the submissions made by the learned counsel for the

petitioner and the learned Special Government Pleader for the respondents 1 and 2, it is evident that the part of the demand confirmed vide impugned order dated 28.10.2025 pursuant to the Show Cause Notice in Form DRC-01 dated 10.06.2025 and also the subject matter of the demand in the impugned order dated 28.10.2025 pursuant to the Show cause Notice dated 23.09.2025.

8. As far as defect no.(i) in the impugned order dated 28.10.2025 pursuant to the Show Cause Notice in DRC-01 dated 10.06.2025 is concerned, the demand was dropped in the earlier proceedings, in the light of the above Show Cause Notice in DRC-01 dated 23.09.2025. Therefore, there cannot be set as a duplication insofar as the under declaration of tax payable as per returns.

9. As far as the defect no.(ii) in the impugned order regarding excess claim of ITC is concerned, this has been dropped by the impugned order dated 28.10.2025 passed pursuant to the Show Cause Notice in DRC-01 dated 23.09.2025. The petitioner had also not responded to the show cause notice in DRC-01 dated 10.06.2025, which has now culminated in the impugned order.

10. On a perusal of the impugned order, it appears that the same has been passed by State Tax Officer, and not State Tax Commissioner as mentioned and as arrayed by the petitioner in the writ petition.

11. Considering the above facts and circumstances of the case, the case is remitted to the State Tax Officer to pass a fresh order on merits subject to the petitioner depositing 10% of the disputed tax confirmed vide order dated 28.10.2025 in response to the Show Cause Notice in DRC-01 dated 10.06.2025, on all the heads provided excess claim of ITC vide item no.2 in the impugned order, in cash or 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.

12. Within such time, the petitioner shall also file a reply to the Show Cause Notice in DRC-01 dated 10.06.2025 together with requisite documents to substantiate the case by treating the impugned order dated 28.05.2025 as an addendum to the Show Cause Notice in DRC-01 dated 10.06.2025.

13. Since the petitioner’s Bank account has already been attached, the respondent is permitted to debit 5% each towards the CGST and TNGST from the petitioner’s Electronic Cash Ledger.

14. Subject to the petitioner complies with the above stipulations, all further recovery proceedings shall be kept in abeyance and the petitioner’s Bank attachment shall also be lifted.

15. In case the Petitioner fails to comply with any of the stipulations, the 1st 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.

16. Needless to state, before passing any such order, the 1st Respondent shall give due notice to the Petitioner.

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

10-02-2026

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

To

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C.SARAVANAN J.
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