IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2026

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.4821 of 2026
and
W.M.P.Nos.5380 & 5381 of 2026

Tvl.Jaya Agencies
(Represent by its Proprietor Mr.Thilagar)
217, Ramachandra Nagar, Emappair,
Viluppuram – 606202. ... Petitioner

Vs.

State Tax Officer (ST) / Proper Officer (ST)
(Also Known as Commercial Tax Officer)
Kallakurichi Assessment Circle,
Kallakurichi. ... Respondent

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 Reference No. ZD331025223002C dated 23.10.2025 in GSTIN: 33ADXPT3293Q1ZC for the tax period 2021-22 dated 23.10.2025 and quash the same.

For Petitioner : Mr.N.Chandirasekar

For Respondent : Ms.Amirtha Poonkodi Dinakaran
Government Advocate

ORDER

Ms.Amirtha Poonkodi Dinakaran, learned Government Advocate, takes notice for the respondent.

2. With the consent of the learned counsel for the petitioner and learned Government Advocate for the respondent, this writ petition is being disposed of at the time of admission.

3. In this Writ Petition, the petitioner has challenged the impugned Order dated 23.10.2025 passed under Section 73 of the respective GST enactments for the tax period 2021 - 2022.

4. By the impugned order, the demand proposed in the Show Cause Notice in DRC-01 dated 10.06.2025 has been confirmed, as the petitioner failed to reply to the said show cause notice.

5. It is noticed that the statutory limitation for filing an appeal under

Section 107 of the respective GST enactments against the impugned order has already expired. The present writ petition has been filed on 04.02.2026 i.e. within the condonable period of limitation.

6. The learned counsel for the petitioner would submit that the petitioner is willing to deposit 10% of the disputed tax confirmed by the impugned order dated 23.10.2025, and therefore, the learned counsel seeks one opportunity for *de nov*o adjudication.

7. Under similar circumstances, orders have been quashed and 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.

8. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the case is remitted back to the respondent to pass a fresh order on merits, 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.

9. Within such time, the petitioner shall also file a reply to the impugned Show Cause Notice dated 10.06.2025 together with requisite documents to substantiate the case by treating the impugned Order dated 23.10.2025 as an addendum to the aforesaid show cause notice.

10. Subject to the petitioner complying with the above stipulations, the respondent shall proceed to pass fresh order on merits and in accordance with law, as expeditiously as possible, preferably within a period of three (3) months of such reply / pre-deposit.

11. It is needless to state that, before passing any such order, the petitioner shall be heard.

12. The attachment of the petitioner's bank account shall also stand automatically raised/vacated, subject to the petitioner complying with the above stipulations.

13. It is made clear that bank attachment shall be lifted subject to the deposit of 10% of the disputed tax as ordered above and the petitioner not

being in arrears of any other amount for any other tax period barring the amount demanded under the impugned order.

14. 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.

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

11.02.2026

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Neutral Citation : Yes / No

To

The State Tax Officer (ST) / Proper Officer (ST)
Kallakurichi Assessment Circle,
Kallakurichi.

C.SARAVANAN, J.

raja

W.P.No.4821 of 2026

11.02.2026