IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 5978 of 2026
and
WMP Nos.6508 & 6509 of 2026

Tvl. Goodwill Services
Rep. by its Managing Partner, T.Tamilamuthan,
21-Flat NoC-1, II Floor, Viswanathapuram,
Guduvancheri, Kancheepuram Tamil Nadu 603202

..Petitioner(s)

Vs

The Assistant Commissioner ST
Maraimalai Nagar Assessment circle,
No. 4/109 2nd Floor, Bangalore Chennai Highway,
Nazarathpet, Vardharajapuram,
Poonamallee, Chennai 123

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari calling for the records relating to the impugned order bearing reference number ZD330824224096H dated 24.08.2024 passed by the Respondent and quash the same as the same being arbitrary.

For Petitioner : Mr. G. Natarajan

For Respondent : Mrs. P. Selvi,
Government Advocate.

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. In this Writ Petition, the petitioner challenges the Impugned Order dated 24.08.2024 in Form GST DRC-07 passed for the tax period 2019-2020, whereby part of the demand proposed in the Show Cause Notice dated 20.05.2024 in Form GST DRC-01 has been confirmed against the Petitioner and the remaining of demand portion has been dropped.

3. The petitioner is aggrieved by the Impugned Order insofar as it confirms the demand under Section 16(4) of the respective GST Enactment relating to the belated availing of Input Tax Credit and levies interest for the for delayed payment of tax declared under GSTR – 3B.

4. The learned counsel for the petitioner submits that already a separate order has been passed for the identical tax period on 21.08.2024, which is the subject matter of challenge in W.P.No.1311 of 2026. It is also submitted that, insofar as the levy of interest is concerned, there is an apparent duplication between the interest demanded in the Impugned Order dated 24.08.2024 and the interest confirmed in the order dated 21.08.2024. Therefore, the matter can be remitted back for reconsideration and although the petitioner had unsucessfully filed an application under Section 128A of the respective GST Enactments under the amnesty provisions for settling of the dispute.

5. Upon comparison of the interest demanded vide Impugned Order dated 24.08.2024 with the interest confirmed in the order dated 21.08.2024, this Court finds that there is an apparent duplication in the levy of interest. Accordingly, the Impugned Order is liable to be set aside.

6. As far as the demand confirmed on account of Section 16(4) of the respective GST Enactments is concerned, the issue is now settled in favour of the Petitioner by way of statutory intervention through the insertion of Sections 16(a) and 16(b) to the respective GST Enactments vide Finance No.2 Act, 2024 (15 of 2024) dated 16.08.2024 with effect from 01.07.2017.

7. Therefore, further in the light of the aforesaid statutory intervention, the impugned order deserves to be quashed and the case is remitted back to the respondents for fresh consideration. While passing a fresh orders the respondents shall examine the following:

> *"(i) Whether the petitioner is entitled to Input Tax Credit in the light of the above statutory intervention; and*
>
> *(ii) Whether the amount of interest confirmed vide the Impugned Order overlaps with the interest confirmed in the order dated 21.08.2024, which is the subject matter of W.P.No.1311 of 2026."*

8. The respondent shall thereafter proceed to pass appropriate orders after hearing the Petitioner as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order.

9. With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

26-02-2026

Neutral Citation: Yes/No

klt

To

1. The Assistant Commissioner (ST)
Maraimalai Nagar Assessment Circle,
No. 4/109 2nd Floor, Bangalore Chennai Highway,
Nazarathpet, Vardharajapuram,
Poonamallee, Chennai 123.

C.SARAVANAN, J.

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