IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-02-2026**

CORAM

**THE HON'BLE MR JUSTICE C. SARAVANAN**

**WP No. 6415 of 2026**
**and**
**W.M.P.No.6944 of 2026**

The Commissioner,
Namakkal Municipality,
145, Municipal Office,
Paramathi Road,
Namakkal-637 001.

..Petitioner(s)

Vs

1. The Deputy Commissioner (Commercial Tax),
   Appellate Authority,
   Commercial Tax office,
   Combined Commercial Tax Building
   Pitchards Road, Hasthampatti,
   Salem-636 007.

2. The Commercial Tax Officer,
   Office of the Joint Commissioner (ST),
   Intelligence, Salem,
   Commercial Taxes Building,
   Hasthampatti,
   Salem-636 007.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned summary order dated 15.04.2025 in DRC-07 vide Ref.No. ZD330425113613T passed by the 2nd Respondent and the consequential dismissal of the Impugned appeal order dated 24.12.2025 vide Ref No. ZD331225375812E passed by the 1st Respondent and quash the same as arbitrary, against the principles of natural justice and total inconformity with the provisions of the GST Act, 2017 and consequently direct the 1st Respondent to hear the appeal filed by the petitioner on merits.

For Petitioner(s): Mr.Vasanthanayagan K

For Respondent(s): Mrs.K.Vasanthamala
Government Advocate

**ORDER**

Mrs.K.Vasanthamala, learned Government Advocate takes notice for the Respondents.

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 Respondents.

3. The Petitioner is before this Court against the impugned order dated 15.04.2025 passed by the 2nd Respondent and order dated 24.12.2025, whereby the 1st Respondent has rejected the appeal against the order passed by the 2nd Respondent.

4. The appeal was filed before the 1st Respondent on 09.10.2025 beyond the condonable period of limitation. However, it is noticed that at the time of filing of an appeal, the Petitioner has pre-deposited 10% of the disputed tax.

5. It is also noticed that the Petitioner has failed to respond to the Notice in Form GST DRC – 01 dated 16.12.2024 issued for the tax period 2020-2021. Thus, the impugned order dated 15.04.2025 has been passed.

6. At this stage, the learned counsel for the Petitioner submits that the Petitioner has already pre-deposited 10% of the disputed tax at the time of filing of an appeal and further submits that the Petitioner is willing to pre-deposit 15% of the disputed tax as a condition for *denovo* adjudication.

7. The learned counsel for the Petitioner has also made an following endorsement to that effect in the Court bundle which has been extracted hereunder:-

> *"The Petitioner would pay additional 15% of disputed Tax amount."*

8. Under similar circumstances, Orders have been quashed and cases have been remitted back to the Respondent to pass a fresh order on terms subject to such Assessee depositing 25% 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.

9. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the case is remitted back to the 2nd Respondent to pass a fresh order on merits subject to the Petitioner depositing 15% of the disputed tax over and above 10% already pre-deposited at the time of filing of an appeal 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.

10. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 16.12.2024 together with requisite documents to substantiate the case by treating the impugned Order dated 15.04.2025 as an addendum to the Show Cause Notice dated 16.12.2024.

11. Needless to state, any amount recovered from the Petitioner / paid by the Petitioner, towards the tax liability confirmed vide impugned order, shall be adjusted towards the aforesaid pre-deposit of 15% as ordered above. This will be however subject to verification by the Respondents.

12. In case the Petitioner complies with the above stipulations, the 2nd Respondent shall proceed to pass a final 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. Subject to the Petitioner complying with the above

stipulations, the attachment of the bank account of the Petitioner if any, shall also stand automatically vacated.



13. It is made clear that bank attachment shall be lifted subject to the Petitioner depositing 15% 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 2nd 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. Needless to state, before passing any such order, the 2nd Respondent shall give due notice to the Petitioner.

16. This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petition is closed.

**24-02-2026**

Neutral Citation: Yes/No
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To

1. The Deputy Commissioner (Commercial Tax)
   Appellate Authority,
   Commercial Tax office,
   Combined Commercial Tax Building
   Pitchards Road,
   Hasthampatti, Salem-636 007.

2. The Commercial Tax Officer
   Office of the Joint Commissioner (ST),
   Intelligence, Salem,
   Commercial Taxes Building,
   Hasthampatti,
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**C.SARAVANAN, J.**

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