



WEB COPY



W.P. No. 5167 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 5167 of 2026

and

W.M.P. Nos. 5720 and 5721 of 2026

M/s. Sri Velmurugan Construction,
Rep., by its Proprietor, Subramani Govindaraj
No. II/21-13-1, Kottamettupatti,
Omalur, Salem,
Tamil Nadu – 636 455.

... Petitioner

Vs.

The Assistant Commissioner (ST),
Mettur Assessment Circle,
Mettur, Tamil Nadu.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the impugned order vide GSTIN: 33ATUPG2568A1ZS/2021-22 along with consequential proceedings in FORM GST DRC 07 vide Ref.No. ZD330925154151K dated 13.09.2025 passed by the respondent under Section 73 for the financial year 2021-2022, to quash the same.

For Petitioner : Ms. P.N. Sowmini

For Respondent : Mrs. P. Selvi,
Government Advocate



W.P. No. 5167 of 2026

WEB COPY

ORDER

Mrs. P. Selvi, 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. In this Writ Petition, the Petitioner has challenged the impugned Order dated 13.09.2025, which was preceded by a Show Cause Notice in GST DRC-01 dated 17.06.2025 wherein the Petitioner was called upon to appear for personal hearing. However, the Petitioner had not taken advantage of the same and thus, suffered the impugned Order dated 13.09.2025.

4. The Petitioner was also issued with Reminder on 11.08.2025, which called upon the Petitioner to file a reply and to appear for a personal hearing. The Petitioner however neither filed any reply nor appeared for the personal hearing fixed on 18.08.2025. Thus, the impugned Order has been passed.



W.P. No. 5167 of 2026

5. It is noticed that the limitation for filing an appeal under Section 107 of the respective GST enactments, 2017 against the impugned Order has already expired. The present Writ Petition has been filed only on 10.02.2026.

6. At this stage, the learned counsel for the Petitioner submits that the Petitioner is willing to pre-deposit 25% of the disputed tax as a condition for *denovo* adjudication.

7. 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.

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 25% of the disputed tax 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.



W.P. No. 5167 of 2026

WEB COPY

9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 17.06.2025 together with requisite documents to substantiate the case by treating the impugned Order dated 13.09.2025 as an addendum to the Show Cause Notice dated 17.06.2025.

10. In case the Petitioner complies with the above stipulations, the 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 shall also stand automatically vacated.

11. It is made clear that bank attachment shall be lifted subject to the Petitioner depositing 25% 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.

12. 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



W.P. No. 5167 of 2026

tax in accordance with law as if this Writ Petition was dismissed *in limine* today.

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

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

13.02.2026

Index: Yes / No
Neutral Citation: Yes / No
AT

To:
The Assistant Commissioner (ST),
Mettur Assessment Circle,
Mettur, Tamil Nadu.



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W.P. No. 5167 of 2026

C.SARAVANAN, J.

AT

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