



WEB COPY

WP No. 6583 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

**WP No. 6583 of 2026
and W.M.P.Nos.7157 & 7158 of 2026**

Tvl.Sri Murugan Blue Metals
Rep by its Proprietor S.Ramu,
No.2/207, Maths Pillai Street,
Kunnam Bus Stop,
Kannum Village, Vanur Taluk,
Viluppuram-604 001.

..Petitioner(s)

Vs

The State Tax Officer
Tindivanam Assessment Circle,
2nd Floor, 136, SBI Building,
Nehru Street, Commercial Taxes Office,
Thindivanam- 604 001.

..Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records relating to passing of the impugned order in form DRC 07 bearing ref. no. ZD331025141560Z dated 14.10.2025, passed by the respondent and quash the same as the same being arbitrary, illegal and passed in violation articles 14, 19 (1) (g) and 265 of the Constitution of India.

For Petitioner(s):

Mr. G Natarajan

For Respondent(s):

Mrs.P.Selvi, Government Advocate

**ORDER**

Mrs.P.Selvi, the 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 14.10.2025, which was preceded by a Show Cause Notice in GST DRC-01 dated 08.04.2025 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 14.10.2025.

4. 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, but within the condonable period of limitation. The present Writ Petition has been filed only on 11.02.2026.

5. At this stage, the learned counsel for the Petitioner submits that the Petitioner is willing to pre-deposit 10% of the disputed tax as a condition for *denovo* adjudication.



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

“Petitioner’s counsel undertakes to pay 10% of the penalty as a condition for remand. 4 weeks time may be granted.”

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 10% 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 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.

9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 08.04.2025 together with requisite documents to substantiate the case by treating the impugned Order dated



14.10.2025 as an addendum to the Show Cause Notice dated 08.04.2025.

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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 if any, shall also stand automatically vacated.

11. It is made clear that bank attachment, if any, shall be lifted subject to the Petitioner depositing 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.

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 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.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

BKN

To:

The State Tax Officer
Tindivanam Assessment Circle,
2nd Floor, 136, SBI Building,
Nehru Street, Commercial Taxes Office,
Thindivanam- 604 001.



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C.SARAVANAN, J.

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