



W.P.No.8054 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.8054 of 2026

and

W.M.P.Nos.8725, 8727 and 8728 of 2026

M/s.Sri Balaji Paints & Hardwares,
Rep by its Proprietor-Govindasamy Kandasamy ... Petitioner

Vs.

The Assistant Commissioner (ST)
Office of the Assistant Commissioner,
Kondalampatty Circle,
Salem-I. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in GSTIN:33BTKPG7493K1Z6/2021-22 dated 08.09.2025 along with the consequential summary order in FORM GST DRC 07 vide ref.No.ZD330925087499M dated 08.09.2025 under Section 73 for the FY 2021-22 along with consequential recovery notice in FORM GST DRC 13 vide GSTIN:33BTKPG7493K1Z6/2025/A1 dated 23.01.2026 issued by the respondent to quash the same and further direct the respondent to uplift the bank attachment to the notice in FORM GST DRC 13 vide GSTIN:33BTKPG7493K1Z6/2025/A1 dated 23.01.2026 issued by the respondent.



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For Petitioner : Mr.N.Prasanth

For Respondent : Mr.K.Vasanthamala,
Government Advocate

ORDER

Mr.K.Vasanthamala, 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 **08.09.2025**, which was preceded by a Show Cause Notice in GST DRC-01 dated **19.06.2025** 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 **08.09.2025**.

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. The present Writ Petition has been filed only on **25.02.2026**.



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5. 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.

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

“ On behalf of the Petitioner, I am willing to deposit 25% of the disputed tax amount. .”

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.



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9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 19.06.2025 together with requisite documents to substantiate the case by treating the impugned Order dated 08.09.2025 as an addendum to the Show Cause Notice dated 19.06.2025.

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



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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.

03.03.2026

Vv

Neutral Citation : Yes / No

To:

The Assistant Commissioner (ST)
Office of the Assistant Commissioner,
Kondalampatty Circle,
Salem-I.



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C.SARAVANAN, J.

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