



WEB COPY

WP No. 8468 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

**WP No. 8468 of 2026
and WMP Nos.9167 and 9168 of 2026**

Bhairavi Metal Works
Rep by its Partner,
Rathakrishnan,
Old No.18, New No.24,
Sandrou Street, Thirupporur
Kancheepuram- 603 110

..Petitioner(s)

Vs

State Tax Officer,
Thirukazukundram Assessment Circle,
No.42, Wahab Nagar,
Thirukazukundram- 603 109.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondent herein in impugned order for the assessment year 2021-22 in Form DRC-07 having reference No.ZD3312251219699 dated 08.12.2025 passed under Section 73 of the Tamilnadu Goods and Service Tax Act, 2017 read with Central Goods and Service Tax Act, 2017 herein after referred to as GST Act, 2017 and quash the same as illegal, erroneous on facts and violative of principles of Natural Justice and consequently direct the respondent to consider the matter afresh on merits after providing an opportunity of personal hearing.

For Petitioner(s): Mr. Parthiban V

For Respondent(s): Mr.TNC kaushik
Additional Government Pleader



ORDER

Mr.TNC. Kaushik, learned Additional Government Pleader 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 Additional Government Pleader for the Respondent.

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 08.12.2025, which was preceded by a Show Cause Notice in GST DRC-01 dated 06.07.2025 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 08.12.2025.

4. The present Writ Petition has been filed on 23.02.2026, which is within the prescribed limitation period under Section 107 of the respective GST enactments, 2017.

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 a following endorsement to that effect in the Court bundle which has been extracted hereunder:-

“Petitioner is ready to pay 10% of the disputed tax amount in GST DRC-01”

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% 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 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 06.07.2025 together with requisite documents to substantiate the case by treating the impugned Order dated



08.12.2025 as an addendum to the Show Cause Notice dated 06.07.2025.

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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 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.

03-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
jv

To

State Tax Officer,
Thirukazukundram Assessment Circle,
No.42, Wahab Nagar,
Thirukazukundram- 603 109.



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C.SARAVANAN, J.

jv

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