IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.8677 of 2026
and
W.M.P. Nos.9367 and 9368 of 2026

Tvl Suren Steels
Rep. by its Proprietor Murugesan,
No.84/1B, 85/1B, N.H.Road, Vanagaram,
Chennai-95.

..Petitioner(s)

Vs

1. The Appellate Authority,
   Deputy Commissioner (ST)
   GST Appeal Chennai II,
   Commercial Tax Main Building,
   2nd Floor, Chennai-600 006.

2. Assistant Commissioner (ST),
   Vanagaram Assessment Circle ,
   No.4/109 2nd Floor, Nazarathpettai,
   Chennai-600 123.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records of impugned Rejection Order in Form GST APL-02 dated 23.04.2025 bearing Reference No. ZD3304251675286 of the 1st Respondent Appellate Authority together with impugned order dated 19.08.2024 bearing Reference No. ZD330824149076B in Form GST DRC-07 along with its annexure of the 2nd Respondent passed in Petitioners GSTIN 33AFMPM1995B2ZF for the FY 2019-20 and quash the same.

For Petitioner(s): Mr.R.Anish Kumar

For Respondent(s): Ms.Amirtha Poongodi
Government Advocate

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the impugned rejection order of the 1st respondent dated 23.04.2025 and order of assessment dated 19.08.2024 for the financial year 2019-20 and quash the same.

3. Ms.Amirtha Poongodi, learned Government Advocate takes notice for respondents.

4. In this Writ Petition, the Petitioner has challenged the impugned Assessment Order dated 19.08.2024 which was preceded by a Show Cause Notice in GST DRC-01 dated 14.05.2024. During scrutiny, it was noticed that there was mismatch between GSTR 2A and GSTR 3B. Thereafter, impugned assessment order dated 19.08.2024 came to be passed.

5. It is stated by the learned counsel for petitioner that in the show cause notice the tax that was proposed was Rs.15,18,603/- whereas in the order dated

23.04.2025 it has been enhanced to Rs.49,68,302/-, without putting the petitioner on notice. This according to the petitioner is in violation of principles of natural justice.

6. Aggrieved by the impugned order of assessment, petitioner preferred an appeal under Section 73 of TNGST Act, on 11.01.2025, however, the same was rejected on the ground of being barred by limitation. Hence, this writ petition.

7. It is noticed that under similar circumstances, this Court has come to the rescue of persons like petitioner by quashing the impugned assessment order on terms subject to petitioner depositing 50% of the disputed tax. This Court does not find any reason to take a different stand in this case.

8. Considering the same, the impugned assessment order dated 19.08.2024 is quashed and the case is remitted back to the respondents to pass a fresh order subject to the petitioner depositing 50% of the disputed tax in cash from the petitioner's Electronic Cash Register within a period of four weeks from the date of receipt of a copy of this order. If any amount has been recovered or paid out of the disputed taxes, including by way of pre-deposit in appeal, the same would be reduced/adjusted, from/towards the 50% of disputed taxes directed to be paid. The assessing authority shall then intimate the

balance amount out of 50 % of disputed taxes to be paid, if any, within a period of one week from the date of receipt of a copy of this order. The petitioner shall deposit such remaining sum within a period of three weeks from such intimation.

9. Petitioner shall file a reply to the Show Cause Notice in DRC-01 dated 14.05.2024 together with requisite documents to substantiate the case by treating the impugned assessment order dated 19.08.2024 as an addendum to the show cause notice dated 14.05.2024 within a period of four weeks from the date of receipt of a copy of this order.

10. In case petitioner complies with the above stipulated conditions, respondents shall proceed to pass fresh orders on merits and in accordance with law as expeditiously as possible, preferably, within a period of three (3) months thereafter, after hearing the Petitioner. Subject to petitioner complying with the above stipulations, attachment of bank account of petitioner, if any, shall stand automatically vacated.

11. In case petitioner fails to comply with any of the conditions stipulated above, respondents are at liberty to proceed against the petitioner in accordance with law as if this Writ Petition was dismissed *in limine* today. Thereafter, it is for the respondents to take steps against the petitioner to recover the tax that has

been confirmed in the impugned assessment order dated 19.08.2024.

12. Needless to state, before passing any such order, respondents shall give due notice to the petitioner. It is made clear that bank attachment shall be lifted subject to the petitioner depositing 50% 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.

13. The Writ Petition stands disposed of with the above observations. No costs. Consequently, the connected miscellaneous petitions are closed.

12-03-2026

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

To:

1. The Appellate Authority,
   Deputy Commissioner (ST)
   GST Appeal Chennai II,
   Commercial Tax Main Building,
   2nd Floor, Chennai-06.

2. Assistant Commissioner (ST),
   Vanagaram Assessment Circle ,
   No. 4/109 2nd Floor, Nazarathpettai,
   Chennai 123

MOHAMMED SHAFFIQ, J.

MKA

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