IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 9963 of 2026 and

W.M.P.No.10786 of 2026

Tvl.Surana Enterprises (Firm)
Represented by its Partner, Mr. Mahaveer. T
26, Ayyasamy Main Road,
Salem, Tamil Nadu-636 002

..Petitioner(s)

Vs

The Assistant Commissioner (ST)
Sevapet Circle, Salem-I,
Salem, Tamil Nadu.

..Respondent(s)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India calling for the records on the files of the Respondent herein in Reference No ZD330624107931L dated 13.06.2024 and quash the same as passed contrary to the direction issued in W.P. No. 27046 of 2023 dated 14.09.2023 and further direct the respondent to refund the Sum of Rs. 5,27,700/-

For Petitioner(s): A.N.R.Jayaprathap
Pavithra Baskaran

For Respondent(s): Mrs. P. Selvi, GA

ORDER

Mrs. P. Selvi, 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. This is the second round of litigation.

4.This is a peculiar case, where the petitioner has challenged the order dated 13.06.2024 passed for the tax period 2017-2018 under Section 73 and 74 of the respective GST Enactments dropping the proposal in Show Cause Notice in DRC-01 dated 11.06.2024 that preceded the impugned order.

5.The learned counsel for the petitioner submitted that by the impugned order the proceedings initiated under Section 73 and 74 of the respective GST Enactments have been dropped on the ground that the entire disputed tax confirmed for the tax period has been paid by the petitioner.

6. It is submitted by the learned counsel for the petitioner that earlier the petitioner has suffered an adverse order dated 10.02.2023, which came be to be challenged by the petitioner in W.P.No.27046 of 2023. This Court vide order dated 14.09.2023 remitted the case back to the respondent to pass fresh order on merits and in accordance with law. In the order dated 14.09.2023 it was observed that the petitioner has discharged the tax liability for the said tax period 2017-2018 confirmed by the order dated 10.02.2023 on account of the recovery made by the respondents on 02.09.2023.

7. It is noticed that the petitioner has also filed an application to rectify the order dated 10.02.2023 under Section 86A of TNGST Rules, 2017 on 08.03.3023 which has not been considered till date.

8. I have considered the argument advanced by the learned counsel for the petitioner and the learned counsel for the respondent.

9. The impugned dropping order is not in line with the order dated 14.09.2023 passed by this Court in W.P.No.27046 of 2023, wherein observed as under:

> *10. The petitioner appears to have tax invoices and other collateral evidence to substantiate that the supplier namely, Tvl. Sree Mangalmoorthi Starch Industries, 1st Floor, H-19, Periyar Nagar, Erode- 638 009 had indeed supplied goods. Teh registration was valid as on date of supply, the matter would require a detailed consideration by the Authority. The petitioner has paid the disputed tax that has been confirmed vide impugned order dated 10.02.2023 on 02.09.2023.*
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> *11. Considering the above, the impugned order is set aside an the case is remitted back to the respondent to pass a fresh orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Consequently, the impugned order stands quashed. It is made clear that the amount that has been paid will be subject to final appropriation after disposal of the denova proceedings pursuant to order of this Court.*
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> *12. This Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.*

10. Considering the same the impugned dropping order is set aside and the case is remitted back to the respondent to pass a fresh order with a direction to the respondent to comply with the order passed on 14.09.2023 in W.P.No.27046 of 2023.

11. Needless to state, before passing any such order, the petitioner's reply and the application filed under Section 86A of the respective GST rules on 08.03.2023 shall be taken note of.

12. The petitioner shall also file an additional reply together with necessary documents to substantiate and defend his case.

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

13-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To.

The Assistant Commissioner (ST)
Sevapet Circle, Salem-I,
Salem, Tamil Nadu.

C.SARAVANAN, J.

smn

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