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WP No. 11947 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HONOURABLE MR JUSTICE C. SARAVANAN

WP No. 11947 of 2026
WMP Nos. 13036 & 13038 of 2026

Sri Vinayaga Enterprises
Represented by its Proprietor
Mr.Manchukonda Kirankumar
No.16, Devaraja Mudali Street,
Parrys, Chennai, Tamil Nadu 600 003
Presently at No.6/19, Venkatachalam
Lane, Park Town, Chennai 600 003.

Petitioner(s)

Vs

The Deputy State Tax Officer/
The Deputy Commercial Tax officer,
Mooremarket Assessment Circle,
Room No. 225 Integrated commercial
taxes, Offices Building,
Chennai North Division,
No. 32 Elephant Gate Bridge Road,
Chennai 600 003

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for records from the file of Respondent in impugned assessment order in GSTIN:33ALUPM1959R1Z2/2020-21 dated 26.02.2025 and Reference No.ZD3302252686377 in GSTIN/ID: 33ALUPM1959R1Z2 dated 26.02.2025 passed for the F.Y.2020-21 and quash the same as illegal, arbitrary and violative of principles of natural justice.



For Petitioner(s): Mr.V.Mukilan
For Respondent(s): Ms.Amirtha Poonkodi Dinakaran
Government Advocate

ORDER

Ms.Amirtha Poonkodi Dinakaran, 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 26.02.2025, which was preceded by a Show Cause Notice in GST DRC-01 dated 03.09.2024 wherein the Petitioner was called upon to file a reply and to appear for a personal hearing. However, the Petitioner did not take advantage of the same and has thus suffered the impugned Order dated 26.02.2025.

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 long before. However, the present Writ Petition has been filed only on 24.03.2026.

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 and he has also made an endorsement to that effect in the Court bundle.

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

“Petitioner accepted to pay consent order of 25%”

7. Recording the above consent given by the Petitioner, 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.

8. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 03.09.2024 together with requisite



documents to substantiate the case by treating the impugned Order dated 26.02.2025 as an addendum to the Show Cause Notice dated 03.09.2024.

9. 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.

10. 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.

11. 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.

12. Needless to state, before passing any such order, the Respondent shall give due notice to the Petitioner.



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

27-03-2026

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



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To

The Deputy State Tax Officer/
The Deputy Commercial Tax officer,
Mooremarket Assessment Circle,
Room No. 225 Integrated commercial
taxes, Offices Building,
Chennai North Division,
No. 32 Elephant Gate Bridge Road,
Chennai 600 003

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C.SARAVANAN J.

SSR

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