IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 11970 of 2026

and W.M.P. Nos.13065 & 13066 of 2026

M/s.GI Technology Private Limited,
Represented by its Authorised Signatory,
Mr.K.Bhanuprasad,
C-9, 2nd Floor, Left Wing,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.

..Petitioner(s)

Vs

The Assistant Commissioner,
O/o.The Assistant Commissioner of GST and
Central Excise,
Perungudi Division,
Chennai South Commissionerate,
No.692, M.H.U Complex,
8th Floor, Anna salai,
Nandanam, Chennai-035.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records of the respondent in Show Cause Notice No.37/2024-(GST-AC) dated 30.05.2024 with summary of show cause notice in DRC-01 dated 31.05.2024 and the consequential order in Original No.92/2024 (GST-AC) dated 28.08.2024 along with summary of the order in DRC-07 dated 30.08.2024, quash the same as illegal, arbitrary, unreasonable and without jurisdiction under the provisions of the Goods and Service Tax Act, 2017.

For Petitioner(s): Mr.J.Sunilkumar

For Respondent(s): Mr.R.P.Pragadish,
Senior Standing Counsel
and Mr.J.Harikrishnan,
Junior Standing Counsel

O R D E R

Mr.R.P.Pragadish, learned Senior Standing Counsel takes notice for the Respondent.

2.This Writ Petition is being disposed of at the time of admission with the consent of the learned counsel for the Petitioner and the learned Senior Standing Counsel for the Respondents.

3.The Petitioner claims to be the sole Director now responsible for the affairs of the Petitioner Company. Although at the time of hearing, the learned counsel for the Petitioner would submit that the proceedings were initiated against the Company represented by the Petitioner by the other Directors for operation and mismanagement against the Petitioner, before the National Company Law Tribunal, Chennai, a reading of the impugned order in Original No.92/2024 (GST-AC) dated 28.08.2024, although the demand proposed in the

Show Cause Notice that preceded the impugned order in Show Cause Notice No.37/2024-(GST-AC) dated 30.05.2024 has been dropped. The operative portion of the impugned order reads as under:-

> *"(i) I confirm the demand of interest on belated filing of returns of Rs.71,689/- (Rupees Seventy One Thousand Six Hundred Eighty Eight Only) (IGST: Rs.67,255/-, CGST: RS.2,217/- and SGST: Rs.2,217/-) out of the total demand of Rs.83,623 (IGST Rs.77,697/-, CGST Rs.2,963/- and SGST Rs.2,963/-) and drop the remaining demand of Rs.11,834/- (IGST: Rs.10,442/-, CGST: Rs.746/- and SGST: Rs.746/-) towards Non-payment of interest on belated payment of tax through cash for the FY 2019-20 under Section 73(1) of the CGST Act, 2017 / TNGST Act, 2017 as made applicable to IGST Act as per Section 20 of IGST Act, 2017;*
>
> *(ii) I appropriate the amount of Rs.4,434/- (CGST: Rs.2,217/- and SGST: Rs.2,217/-) in respect of the confirmed demand in sub-para (i) above, made through DRC-03 debit entry no.DC3310210381850 dated 26.10.2021.*
>
> *(iii) I confirm the demand of Rs.6,01,428/- (Rupees Twelve Lakh Two Thousand Eight Hundred Fifty Six Only) (IGST – Rs.15,340/-, CGST – Rs.2,93,044/- & SGST – Rs.2,93,044/-) towards Non-reversal of Input Tax Credit against the Credit*

Notes issued by the suppliers during the financial year 2019-20.

(iv) I drop the demand of Rs.1,36,06,276/- (Rupees One Crore Thirty-Six Lakh Six Thousand Two Hundred and Seventy-Six only) (CGST: Rs.68,03,130/- & SGST: Rs.68,03,138/-) towards difference between ITC availed in GSTR-3B and the taxes paid by the suppliers as reflected in GSTR-2A."

As far as the late fees is concerned, the issue is now covered by an order of this Court rendered in ***Ms.Kandan Hardware Mart and others*** *Vs.* ***The Assistant Commissioner (ST) (FAC), Park Town Assessment Circle, Chennai and others*** vide order dated 02.01.2026 in ***W.P.Nos.27029 of 2023 etc., batch.***

4.Considering the fact that the Petitioner may have a case, I am inclined to grant liberty to the Petitioner to challenge the impugned order before the Appellate Authority, subject to the Petitioner depositing 50% of the disputed tax as a condition for *denovo* adjudication to entertain the appeal and dispose it on merits, subject to the Petitioner filing an appeal within a period of thirty (30) days from the date of receipt of a copy of this order.

5.On making such pre-deposit on the confirmed amount, the Appellate Authority shall dispose of the appeal on merits and in accordance with law. Subject to the Petitioner complying with the above stipulation, all further recovery proceedings in the impugned Order shall stand abated.

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

30-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GSA

To

The Assistant Commissioner
O/o.The Assistant Commissioner of GST and
Central Excise,
Perungudi Division, Chennai South
Commissionerate
No.692, M.H.U Complex,8th Floor, Anna salai,
Nandanam, Chennai-035.

C.SARAVANAN, J.

GSA

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