IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 15948 of 2026
and
WMP Nos. 17188 & 17189 of 2026

Sri Balaji Power Construction,
Proprietor Mr. K.S. Rajan,
No 306, 34th street, 7th Secctor,
K.K. Nagar, Chennai 600 078.

..Petitioner(s)

Vs

The State Tax Officer
O/o The State Tax officer (FAC),
K.K. Nagar Assessment Circle,
No 1 Fifth Floor, PAPJM Annexe Building,
Greams Road, Chennai 620 006.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 25.08.2024 in Form GST DRC07 vide Ref No.ZD330824226101W bearing GSTIN 33AITPR5825P1ZB, pertaining to FY 2019-2020 issued by the respondent as arbitrary and illegal and quash the same, and further directing the respondent to redo the adjudication in accordance with law, after granting opportunity of personal hearing to me, and to pass further or other orders, as thus this Court may deem fit and proper on the circumstances of the case.

For Petitioner(s): Ms. B. Mitra

For Respondent(s): Mr. T.N.C. Kaushik,
Additional Government Pleader

ORDER

Mr. T.N.C. 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. The Petitioner is before this Court against the Impugned Assessment Order dated 25.08.2024 issued under Section 73 of the respective GST Enactments, for the Tax Period April 2019 – March 2020, whereby the proposal in the Show Cause Notice dated 28.05.2024 has been confirmed.

4. The learned counsel for the Petitioner submitted that the entire disputed tax liability confirmed in the Impugned Assessment Order dated 25.08.2024 has already been recovered from the Petitioner. The details of the amounts recovered from the Petitioner's Credit Ledger are as follows:-

"

S.No.	Date of amount recovered	Recovered Amount
1.	27.12.2024	Rs.7,43,228/-
2.	16.10.2024	Rs.7,080/-
3.	30.10.2025	Rs.39,151/-
4.	11.11.2025	Rs.1,459/-
	Total	**Rs.790,918/-**

"

5. However, the learned Additional Government Pleader for the Respondent is unable to confirm the same.

6. At this stage, the learned counsel for the Petitioner submits that if no amount has already been recovered from the Petitioner, the Petitioner is willing to pre-deposit 50% of the disputed tax as a condition for *denovo* adjudication.

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

> *"The petitioner admits to deposit 50% of the demand tax in the absence of the 100% recovery which is subject to verification."*

8. Considering the facts and circumstances of the case, and taking note of the submission made by the learned counsel for the Petitioner, this Court is inclined to remit back the case to the Respondent for fresh consideration and to pass a fresh order on merits and in accordance with law, within a period of thirty (30) days from the date of receipt of a copy of this order, subject to the verification as to whether the entire disputed tax has already been recovered from the Petitioner.

9. In the event that no amount has been recovered from the Petitioner, as stated by the learned counsel for the Petitioner, the Petitioner shall deposit 50% of the disputed tax amount confirmed in the Impugned Assessment Order.

10. Within such time, the Petitioner shall also file a proper reply to the Show Cause Notice dated 28.05.2024, along with the requisite documents to substantiate the defence by treating the Impugned Assessment Order dated 25.08.2024 as an addendum to the Show Cause Notice dated 28.05.2024.

11. In case the Petitioner complies with the above stipulations, the Respondent shall proceed to pass a fresh 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.

12. 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/lifted.

13. 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 had been dismissed *in limine* today.

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

15. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are also closed.

24-04-2026

Neutral Citation: Yes/No

klt

To

The State Tax Officer
O/o The State Tax officer (FAC),
K.K. Nagar Assessment Circle,
No.1 Fifth Floor, PAPJM Annexe Building,
Greams Road, Chennai 620 006.

C.SARAVANAN, J.

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