IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 15740 of 2026
AND
WMP Nos. 16971 & 16972 of 2026

Thangaraju Contractor
Represented by its Proprietor, Ms. Thangaraju,
4/77, Main Road, Veppanthattai,
Perambalur-621116

..Petitioner(s)

Vs

The State Tax Officer
Perambalur Assessment Circle,
93F, Venkatachalapathi Nagar,
New Bus Stand Backside, Perambalur.

..Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 22.10.2025 in Form GST DRC07 vide Ref No. ZD331025208508P bearing GSTIN 33ACSPT0697A2ZD, pertaining to FY 2023-2024 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 the Petitioner.

For Petitioner(s): Ms. B. Mitra

For Respondent(s): Mr.TNC.Kaushik, AGP

ORDER

Mr.TNC.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 Government Advocate for the Respondent.

3. The Petitioner is before this court against the impugned order dated 22.10.2025 whereby the proposal in Show Cause Notice in DRC 01 dated 29.05.2025 for the tax period 2023-2024 has been confirmed. By the impugned order, the following demand has been confirmed against the Petitioner.

REVENUE- ABSTRACT – 2023-2024

Sr. No	Tax Period 2023-2024	Act	Tax Rs.	Interest@ 18% upto 22.10.2025 (Rs.)	Penalty u/s.74(1) @ 100% (Rs.)	Total (Rs.)
1	2	3	4	5	6	7
1.	2023-2024	CGST	4,47,932-	5,14,732-	4,47,932-	14,10,596-
2.	2023-2024	SGST	4,47,932-	5,14,732-	4,47,932	14,10,596
Total			8,95,864-	10,29,464-	8,95,864-	28,21,192-

4. After the Show Cause Notice was issued to the Petitioner in DRC 01

dated 18.03.2025, Petitioner had also filed a reply and based on the reply, the Respondent has concluded that the Petitioner has discharged only part of the tax liability belatedly for the aforesaid tax period on 21.01.2025, 14.02.2025 and 18.03.2025. Thus, the Petitioner has been called upon to pay the differential tax, proportionate interest and penalty under Section 74 (1) to the impugned order dated 22.10.2025 However the present Writ Petition has been filed only on 02.04.2026 after the expiry of period of limitation

5. Learned counsel for the Petitioner at this stage submitted that the Petitioner will be satisfied if the Petitioner is given liberty to workout the remedy before the Appellate Authority.

6. Learned counsel for the Petitioner submitted that the Petitioner will deposit 25% of the disputed tax. He further submitted that *post facto* the entire disputed tax of Rs.8,95,864/- was recovered on the following dates:-

THANGARAJ CONTRACTOR GSTIN. 33ACSPT0697A2ZD								
YEAR	DATE	DEMAND ID	LEDGER	IGST	CGST	SGST	TOTAL	PERCENTAGE
2023-2024	09-02-2026	[illegible]	CASH?		1,739.00	1,739.00	[illegible]	100
	09-02-2026	DI3302260017307	CREDIT		[illegible]	1,48,732.00	2,97,464.00	
	21-02-2026	[illegible]	CREDIT?		80,043.00	[illegible]	[illegible]	
	19-03-2026	[illegible]	CASH			39,400.00	39,400.00	
	20-03-2026	DI3303260430929	CREDIT?		2,17,418.00	[illegible]	[illegible]	
TOTAL					4,47,932.00	4,47,932.00	8,95,864.00	100

7. Learned Additional Government Pleader for the Respondent, is however, unable to confirm the same.

8. Considering the fact that the amounts have been recovered *post facto,* I see no impediment in giving liberty to the Petitioner to challenge the impugned order before the Appellate Authority. It is for the Petitioner to deposit the balance interest and penalty amount towards the interest and penalty.

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 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.

13. Any amount recovered or already paid by the Petitioner shall be adjusted towards the disputed tax.

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

24-04-2026

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

GV

To

The State Tax Officer
Perambalur Assessment Circle,
93F, Venkatachalapathi Nagar,
New Bus Stand Backside, Perambalur.

C.SARAVANAN J.

GV

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