IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19710 of 2025

Macmet Engineering Limited,
Represented by its Authorised Signatory
Ajit Kumar Poddar … Petitioner

Vs.

The State Tax Officer-III,
(Intelligence), Adjudication Cell,
Vellore,
Station: Villupuram Commercial
Taxes Building … Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the Respondent herein to issue FORM GST DRC-07 in Order in O.R.No.952/2022-23 dated 16.07.2022.

For Petitioner : Mr.T.Suresh

For Respondent : Mr.V.Prashanth Kiran
Government Advocate

ORDER

This Writ Petition was dismissed in open Court for a detailed order to be passed in the Chambers.

2. However, while finalizing the order, it was noticed that the Hon'ble Supreme Court has rendered its decision on 24.07.2025 under a somewhat similar circumstances in **ASP Traders** Vs. **State of Uttar Pradesh and others**, 2025 SCC OnLine SC 1507. The content of which has been referred to in an earlier Order dated 04.02.2026 in W.P.No.30727 of 2025. Hence, this case was listed today i.e., on 02.03.2026 under the caption for clarification for passing a fresh order in the light of the above decision of the Hon'ble Supreme Court in **ASP Traders** Vs. **State of Uttar Pradesh and others**, 2025 SCC OnLine SC 1507.

3. This Writ Petition has been filed seeking a direction to the Respondent to issue Form GST DRC-07 for the Order in O.R.No.952/2022-23 dated 16.07.2022 to enable the Petitioner to file an appeal before the Appellate Authority.

4. The facts on record reveal that the Petitioner, a Consignor from West Bengal, was transporting goods to a Consignee in Tuticorin via a Conveyance bearing Registration No.NL01K1564. The consignment was accompanied by an e-way bill generated at the time of dispatch from West

Bengal, which was valid up to 11.07.2022 for delivery of the goods to the Consignee at Tuticorin.

5. The vehicle was intercepted by Thiru.R.Ramesh (State Tax Officer), Roving Squad, Cuddalore, on 12.07.2022 at 03.00 p.m. at T.Mavidanthal. Since the e-way bill had already expired, a statement was recorded from the driver on 12.07.2022 under Section 68(3) of the respective GST Enactments. Thus, a Show Cause Notice was issued on 12.07.2022, which culminated in the Order in Form GST MOV-06.

6. Since the consignment was required immediately, the Petitioner made arrangements for payment, paid the penalty, and released the goods on 15.07.2022. A detailed order was thereafter passed on 16.07.2022 whereby, a penalty of Rs.2,60,718/- was imposed on the driver / tax payer under Section 129(1) of the respective GST Enactments.

7. The case of the Petitioner is that after the impugned Order was passed, the Petitioner approached the State Tax Officer on 13.10.2022 at Kolkatta for issuance of the Summary of the Order in Form GST DRC-07 to enable the Petitioner to file an appeal. A representation was also prepared on 13.10.2022, which was received by the State Tax Officer on 14.10.2022.

8. It is submitted that since the copy of the Order in Form GST DRC-07 was not received, the Petitioner could not file an appeal and therefore, the Petitioner has approached this Court.

9. Heard the learned counsel for the Petitioner and the learned Government Advocate of the Respondent.

10. A perusal of the records shows that there is an enormous delay in approaching this Court for the aforesaid relief. If the Petitioner wanted the summary of the Order in Form GST DRC-07 to file an appeal against the impugned Order before the Appellate Authority under Section 107 of the respective GST Enactments, the Petitioner should have approached this Court earlier. Further, once the amount has been proved, the Petitioner is precluded from challenging the penalty imposed in terms of Section 129(5) of the respective GST Enactments.

11. That apart, even if there was a breakdown of the vehicle at Cuddalore, steps should have been taken to revalidate the e-way bill in terms of Rule 138(10) of the respective GST Rules then and there or within a reasonable period of time.

12. As per third *Proviso* to Rule 138(10), the validity of an e-way bill can be extended by 8 hours before or after the time of its expiry. There are indication that no steps were taken to revalidate the e-way bill. The statement of the driver that was recorded is also silent as to the alleged repair / malfunction of the Conveyance bearing Registration No.NL01K1564.

13. The Petitioner ought to have approached this Court at an earlier point of time by explaining the position and filing a statement from the driver that there was a breakdown of the vehicle and therefore, the vehicle was intercepted by the Authorities before the goods were delivered at the place of the destination in Tuticorin.

14. The Order passed in **JVS Agencies, Represented by its Proprietor** Vs. **Superintendent Range-III, Chennai** in W.P.No.30727 of 2025 on 04.02.2026 has taken note of the decision of the Hon'ble Supreme Court in **ASP Traders case** (referred to *supra*). From Paragraph Nos.6 to 16 in W.P.No.30727 of 2025, it has been observed as under:-

> *"6. As per Rules 142(5) of the CGST Rules, 2017, a summary of the orders issued under sections 52, 62, 63, 64, 73, 74, 74A, 75, 76, 122, 123, 124, 125, 127, 129 and 130 shall be uploaded electronically in FORM GST DRC-07, specifying therein the amount of tax, interest*

and penalty, as the case may be, payable by the person concerned. These Rules are reproduced below:

> ***(5) A summary of the order issued under section 52 or section 62 or section 63 or section 64 or section 73 or section 74 [10][or section 74A] or section 75 or section 76 or section 122 or section 123 or section 124 or section 125 or section 127 or section 129 or section 130 shall be uploaded electronically in FORM GST DRC-07, specifying therein the amount of 6[tax, interest and penalty, as the case may be, payable by the person concerned].***

7. As per Rule 142(6) of the CGST Rules, 2017, such electronic uploading of orders in Form GST DRC-07 shall be treated as the Notice for recovery.

8. Thus, the purpose of uploading Form GST DRC-07 electronically is solely to provide a summary of the demand, which is to be treated as a Notice for Recovery of the tax confirmed in the Assessment Order. The Central Board of Indirect Taxes and Customs has, however, clarified otherwise in its ***Instruction No. 04/2023-GST dated 23.11.2023*** *as under:-*

> *"2. It is also mentioned that as per sub-rule (5) of rule 142 of CGST Rules, where any order is issued by the proper officer under section 52 or section 62 or section 63 or section 64 or section 73 or section 74 or section 75 or section 76 or section 122 or section 123 or section 124 or section 125 or section 127 or section 129 or section 130 of*

CGST Act, summary of such order is also required to be uploaded electronically on the portal by the proper officer in FORM GST DRC-07, specifying the amount of tax, interest and penalty, as the case may be, payable by the person concerned.

.....

4. It is highlighted that non-issuance of the summary of such notices/ orders electronically on the portal is in clear violation of the explicit provisions of CGST Rules. Besides, serving/ uploading the summary of notices/ orders electronically on the portal not only makes the said notices/ orders available electronically to the taxpayers on the portal, but also helps in keeping a track of such proceedings and consequential action in respect of recovery, appeal etc, subsequent to issuance of such notices/ orders. Accordingly, any deviation from this requirement under CGST Rules may adversely impact record keeping under GST. Further, such an action may also impact further proceedings of appeal and/ or recovery to be done seamlessly on the portal.

5. The proper officers are accordingly directed to ensure that summary of the notices issued under section 52 or section 73 or section 74 or section 122 or section 123 or section 124 or section 125 or section 127 or section 129 or section 130 of CGST Act are served, electronically on the portal in FORM GST DRC-01. Also, they should ensure that summary of the order issued

> *under section 52 or section 62 or section 63 or section 64 or section 73 or section 74 or section 75 or section 76 or section 122 or section 123 or section 124 or section 125 or section 127 or section 129 or section 130 of CGST Act is uploaded electronically on the portal in FORM GST DRC-07.*"

9. The Hon'ble Supreme Court while dealing with a similar issue as in the present case in the context of an order passed under Section 129(3) of the respective GST Enactment in ***ASP TRADERS vs. STATE OF UTTAR PRADESH [(2025) 32 Centax 446],*** *held that compliance with these procedural requirements is essential not only for ensuring transparency and accountability in tax administration, but also for safeguarding the taxpayer's appellate rights under the CGST Act, 2017. There, the arguments of the assessee, which were captured in Paragraph 4.7 and are similar to the arguments in the present writ petition, were entertained. The said paragraph of the aforesaid judgment is reproduced below:-*

> *"**4.7.** In light of the above submissions, the learned counsel prayed that the impugned order of the High Court be set aside, and appropriate directions be issued to the respondent authorities to pass final orders in Form GST MOV-09 and GST DRC-07, thereby preserving the appellant's right to appeal against the same under the CGST Act, 2017."*

10. The Hon'ble Supreme Court had also referred to ***Circular No.41/15/2018-GST****,* ***dated 13.04.2018****. The text of the said circular was also reproduced and clarified by the Hon'ble Supreme Court in Paragraph 10* *of the judgment, which is as under:-*

> *"(n) An order of confiscation of goods shall be passed in FORM GST MOV-11, after taking into consideration the objections filed by the person in charge of the goods (owner or his representative), and the same shall be served on the person concerned. Once the order of confiscation is passed, the title of such goods shall stand transferred to the Central Government. In the said order, a suitable time not exceeding three months shall be offered to make the payment of tax, penalty and fine imposed in lieu of confiscation and get the goods released. The order in FORM GST MOV-11 shall be uploaded on the common portal and the demand accruing from the order shall be added in the electronic liability register and, upon payment of the demand, such register shall be credited by either debiting the electronic cash ledger or the electronic credit ledger of the concerned person in accordance with the provisions of section 49 of the CGST Act. Once an order of confiscation of goods is passed in FORM GST MOV-11, the order in FORM GST MOV-09 passed earlier with respect to the said goods shall be withdrawn."*

11. The Hon'ble Supreme Court took note of the aforesaid circular and ultimately concluded as under:-

> *"19. Therefore, even assuming that the payment was made by the appellant, voluntarily or otherwise, the proper officer could not be absolved of the statutory*

obligation to pass a reasoned order in Form GST MOV-09 and upload the corresponding summary in Form GST DRC-07. Compliance with these procedural requirements is essential not only for ensuring transparency and accountability in tax administration, but also for safeguarding the taxpayer's appellate rights under the CGST Act, 2017. Such adherence is in consonance with the constitutional mandate under Article 265 of the Constitution of India.

20. In view of the foregoing discussion, and taking into account that objections were filed, payment was stated to have been made under protest due to business exigencies, and the appellant seeks to challenge the levy, the proper officer was under a clear statutory obligation to pass a final order under section 129(3) in Form GST MOV-09 and DRC-07. The refusal by the High Court to direct the passing of such an order, has the effect of frustrating the appellant's statutory right to appeal and is contrary to well established legal principles governing tax adjudication and procedural fairness.

21. Accordingly, the impugned order passed by the High Court is set aside. Respondent No.3 is directed to pass a reasoned final order under section 129(3) of the CGST Act, 2017, in Form GST MOV-09, after granting an opportunity of being heard as mandated under section 129(4), and upload the summary thereof in Form GST DRC-07 within a period of one *month from the date of receipt of a copy of this judgment. Thereafter, it shall be open to the appellant to pursue appropriate legal remedies against such order, in accordance with law."*

12. The Hon'ble Supreme Court in the aforesaid judgment has indicated that uploading of the summary of the order in Form GST DRC-07 to the web portal, as per Rule 142(5) of the respective GST Rules, is mandatory for filing a statutory appeal against the assessment order.

13. Considering the same, all recovery proceedings pursuant to the speaking order (Order-in-Original No. 01/2024-25 (GST)) dated 09.04.2024) is directed to be kept in abeyance till the uploading of the summary of the order in Form GST DRC-07 in the web portal.

14. In case, such summary order is uploaded to the web portal, the respondent is at liberty to proceed against the petitioner in accordance with law.

15. The petitioner is also at liberty to challenge the said order before the Appellate Authority in the manner known to law.

16. This Writ Petition stands disposed of with the above observations. Consequently, connected miscellaneous petition is closed. No costs."

15. In the light of the above, this Writ Petition is disposed of by directing the Respondent to issue Form GST DRC-07 to the Petitioner to file an appeal before the Appellate Authority. No costs.

19.02.2026

Neutral Citation : Yes / No

raja / arb

To:

The State Tax Officer-III,
(Intelligence), Adjudication Cell,
Vellore,
Station: Villupuram Commercial
Taxes Building.

C.SARAVANAN, J.

raja / arb

W.P.No.19710 of 2025

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