IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP Nos. 22429 & 22432 of 2026
and WMP Nos.24343, 24344, 24340 & 24341 of 2026

Munesh Interlinings
Represented by its Proprietrix, Mrs.Kamlesh Jain
Old No.42, New No.58, Mezzanine Floor,
Rottigidnagu Thiruvengada Mudali Street,
Chennai, Tamil Nadu 600 112

..Petitioner(s) in both WP's

Vs

The State Tax Officer
Choolai Assessment Circle,
Room no 109 no 1 PAPJM Annexure building,
1st Floor, Greams Road, Chennai 6

..Respondent(s) in both WP's

PRAYER in W.P.No.22429 of 2026: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records on the files of the Respondent herein in GSTIN/33ABKPJ5200A1ZH/2021-22 in FORM GST DRC-07 in Order Reference No. ZD330725343531J dated 30.07.2025 and quash the same.

PRAYER in W.P.No.22432 of 2026: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records on the files of the Respondent herein in GSTIN/33ABKPJ5200A1ZH/2021-22 in FORM GST DRC-07 in Order Reference No. ZD331225130877D dated 09.12.2025 and quash the same.

For Petitioner(s): in both WP's	Mr.B Syed Abdul Wakeel
For Respondent(s): in both WP's	Ms.Amirta Poonkodi Dinakaran, Government Counsel (Tax)

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COMMON ORDER

In these two writ petitions orders dated 30.07.2025 and 09.12.2025 are assailed on the grounds of breach of principles of natural justice and duplication of demands and on imposition of both late fee and general penalty.

2. Learned counsel for the petitioner submits that the issue of late fee for non filing of annual return for financial year 2021-22 is common to both writ petitions and that late fee has been imposed twice in respect of the same issue. He submits that the petitioner agrees to remit 25% of the tax demand in relation to Input Tax Credit (ITC) reversal for alleged ineligible ITC. He has made an endorsement to that effect on the bundle.

3. Ms.Amirta Poonkodi Dinakaran, learned Government Counsel (Tax), accepts notice for the respondent.

4. In cases such as *Kandhan Hardware*, this Court has concluded that levy of late fee is penal in nature and that general penalty cannot be imposed in cases wherein a late fee is imposed. In order to maintain consistency, following *Kandhan Hardware*, order dated 30.07.2025 is partly set aside as regards levy of general penalty. W.P.No.22429 is disposed of on these terms.

5. As regards W.P.No.22432 of 2026, the levy of late fee therein amounts to double levy in view of the levy of late fee for non filing of annual return under order dated 30.07.2025. Therefore, the levy of late fee under order dated 09.12.2025 is set aside. Learned counsel for the petitioner submits that late fee for belated filing of GSTR 1 would be paid. Subject to payment of 25% of the tax demand pertaining to ITC reversal for alleged claim of ineligible ITC, order dated 09.12.2025 is partly set aside only insofar as the said demand is concerned. After providing a reasonable opportunity to the petitioner a fresh order shall be issued in relation to said issue within ***three months*** from the date of remittance of 25% of the tax demand relating thereto.

6. These writ petitions are disposed of on the above terms. Consequently, connected writ miscellaneous petitions are closed. There shall be no order as to costs.

23-06-2026

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

To

The State Tax Officer
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SENTHILKUMAR RAMAMOORTHY J.

RNA

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