IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 23266 of 2026
and W.M.P.Nos.25239 & 25241 of 2026

M/s. Deceuninck Profiles India Private Limited GSTIN 33AADCB352491Z1
Rep. by its Director Darshan Hassan Subramanya,
9th Floor, 33-B, South Phase, Olympia Platina, Thiru. Vi., Ka. Industrial Estate, Guindy Chennai - 600 032

..Petitioner(s)

Vs

The Joint Commissioner of CGST and Central Excise,
Chennai South Commissionerate, MHU Building, 692 Anna Salai,
Nandanam, Chennai-600 035

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, Calling for the records relating to issue of the impugned order in original No.16/2026-GST(JC) Dt.10.03.2026 passed by the respondent and quash the same as being arbitrary, without the authority of law, lacking in jurisdiction and in contravention of clause (d) of sub-section (2) of Section 15 of the CGST Act, proviso to Sub-section (1) of section 5 of the IGST Act and Section 16 of the IGST Act and also ultra vires the provisions of Articles 14, 19(1)(g) and 265 of the Constitution.

For Petitioner(s): Mr.G Natarajan

For Respondent(s): Mr.Rajendran Raghavan, Sr. SC

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ORDER

An assessment order dated 10.03.2026 is challenged in this writ petition.

2. Learned counsel for the petitioner focuses on two issues dealt with in the said order. The first issue pertains to adjustments made to the price of import of goods. He contends that the adjustment to initial price is entirely to bring such price in line with transfer pricing regulations. Relying on clarification under Circular No.251/08/2025-GST dated 12.09.2025, he contends that such price adjustment cannot be construed as consideration unless the petitioner / distributor undertakes specific activities, such as advertising campaigns, customer services and the like. The second issue raised by him pertains to the inclusion of interest within the supply value. Relying on Section 5 of the Integrated Goods and Services Act, 2017, learned counsel submits that in relation to import of goods, the levy and collection is required to be made in accordance with the provisions of Section 3 of the Customs Tariff Act, 1975 by customs authorities. Therefore, he contends that the respondent did not have the jurisdiction to levy and collect tax in relation to such interest.

3. Mr.Rajendran Raghavan, learned senior standing counsel, accepts notice for the respondent. Referring to the discussion on the issue relating to adjustment of price, he points out that the assessment was made after duly

taking note of circular dated 12.09.2025 and the distribution agreement between the petitioner and the exporter of UPVC profiles. With regard to the inclusion of interest in the supply value, learned counsel submits that the provisions of Section 3 of the Customs Tariff Act, Section 15(2)(d) of the CGST Act and Section 20 thereof were all duly taken into consideration while recording conclusions in the impugned order. Hence, he submits that no case is made out for interference in exercise of writ jurisdiction.

4. Upon closely considering the impugned order, I find that the assessing officer has examined the distribution agreement. He also examined CBIC circular dated 12.09.2025. Thereafter, he has drawn the conclusion that the price adjustment is not only for purposes of aligning the price with transfer pricing requirements but is also linked to performance of distributor obligations. While the petitioner may have an arguable case to contend that such conclusions are erroneous and arise out of misinterpretation of statute and CBIC circular dated 12.09.2025, it is a grievance that should appropriately be carried before the appellate authority. As regards the second issue, I find that the assessing officer has considered the contention that IGST on imported goods is collected as a duty of customs under Section 3 of the Customs Tariff Act, 1975. However, after construing Section 15(2)(d) of the CGST Act along with Section 20 of the IGST Act, he has recorded the conclusion that interest may be treated as part of the value of supply. Once again, as in the case of the first issue, the petitioner

may have an arguable case to contend that the conclusions of the assessing officer are erroneous, but the appropriate forum to carry such grievance to is the appellate authority.

5. For reasons aforesaid, I decline to interfere with the impugned order. The petitioner has approached this Court within the period for filing a statutory appeal. If such appeal were to be presented within ***thirty days*** from the date of receipt of a copy of this order, the appellate authority is directed to receive and dispose of the same on merits without going into the question of limitation provided pre deposit requirements are satisfied.

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

30-06-2026

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

To

The Joint Commissioner of CGST and Central
Excise, Chennai South Commissionerate,
MHU Building, 692 Anna Salai,
Nandanam, Chennai-600 035

SENTHILKUMAR RAMAMOORTHY, J.

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