Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 43889 of 2026

CNR:{HCMA012540632026}

AND

WMP NO. 49245 OF 2026,WMP NO. 49247 OF 2026

Case QR

Sri Sakthi Modern Fuels,
Represented by its Partner
Mrs.C.Ramana Bharathi,
No.649/7 395, Muthur Road,
Modakurichi, Erode - 638 104.

..Petitioner(s)

Vs

The State Tax Officer,Kodumudi Assessment Circle,Erode Division, Karur.

..Respondent(s)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, calling for the records of the order passed by the respondent in vide GSTIN--33ABEFS2118L1Z9/ 2021-2022 along with Form GST DRC-07 With Reference No. ZD33122523727963 both dated 24.12.2025 and quash the same as arbitrary, bad in law and consequently direct the respondent to hear the case on merits.

For Petitioner(s): Mr.M.Narasimha Bharathi

For Respondent(s): Mr.R.Sethu Prabakaran
Government Advocate (T)

Order

This writ petition has been filed challenging the impugned order dated 24.12.2025 passed by the respondent.

https://www.mhc.tn.gov.in/judis

WEB COPY

2.Mr.R.Sethu Prabakaran, learned Government Advocate, takes notice on behalf of the respondent.

3.By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

4.Learned counsel for the petitioner would submit that, in the present case, the petitioner had not received physical copies of either the show cause notice or the notice of personal hearing. The show cause notice dated 27.09.2025 was merely uploaded on the GST Portal, which the petitioner had no occasion to access. Even the impugned order dated 24.12.2025 was uploaded on the GST Portal, without furnishing a physical copy to the petitioner. Hence he would submit that the impugned order has been passed in violation of principle of natural justice. He would further submit that the petitioner is ready and willing to pay 5% of the disputed tax demand in respect of the impugned assessment period and prayed to set aside the impugned order directing the respondent to permit the petitioner to file their reply and provide an opportunity of personal hearing so that the petitioner would be able to substantiate their case.

https://www.mhc.tn.gov.in/judis

WEB COPY

5.Learned Government Advocate appearing for the respondent would submit that if this Court feels that the matter warrants reconsideration, in terms of the voluntary submission made by the learned counsel for the petitioner, upon the petitioner depositing 5% of the disputed tax demand for the impugned assessment period, the impugned order may be set aside and the matter may be remanded for reconsideration.

6.Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondent and perused the materials available on record.

7.Considering the above submissions made by the learned counsel on either side and upon perusal of the materials, it is evident that the impugned show cause notice was uploaded on the GST Portal. According to the petitioner, the petitioner was not aware of the issuance of the show cause notice through the GST Portal and a physical copy of the said show cause notice was not served on the petitioner. In such circumstances, when the respondent did not receive any reply/response from the petitioner to the show causes notice and when the statute provides for alternative modes of service of notice, it is incumbent upon the respondent to adopt an effective mode of service instead of repeatedly uploading the notices and reminders on the common portal. If such an effective mode of service has been adopted, the petitioner would have not

https://www.mhc.tn.gov.in/judis

WEB COPY

been in a position to contend before this Court that the notices were not received.

8.Thus, this Court is of the view that the impugned order came to be passed without affording an opportunity of personal hearing to the petitioner to establish their case, thereby violating the principles of natural justice and that it is just and necessary to provide an opportunity to the petitioner to establish their case on merits and in accordance with law.

9.For the reasons stated above, this Court is inclined to set aside the impugned order dated 24.12.2025 passed by the respondent. Accordingly, this Court pass the following orders:-

(i) The order impugned herein is set aside on condition that the petitioner deposits 5% of the disputed tax amount in respect of the impugned assessment period, as agreed by the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

(ii) The petitioner is at liberty to make the aforesaid 5% deposit after deducting the amount, if any paid subsequent to the issuance of the impugned assessment order.

(iii) The petitioner shall file their reply/objection along with the required documents, if any, within a period of two weeks thereafter.

https://www.mhc.tn.gov.in/judis

WEB COPY

(iv) On filing of such reply/objection by the petitioner, the respondent shall consider the same and issue a 14 days clear notice by fixing the date of personal hearing to the petitioner and thereafter, pass appropriate orders on merits and in accordance with law, after hearing the petitioner, as expeditiously as possible.

10.With the above directions, the writ petition is disposed of. There is no order as to costs. The connected miscellaneous petition in W.M.P.No.49245 of 2026 filed seeking to dispense with the production of original assessment order is ordered as prayed for and W.M.P.No.49247 of 2026 filed seeking interim stay is hereby closed.

03-11-2026

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

rst

To

The State Tax Officer,
Kodumudi Assessment Circle,
Erode Division, Karur.

https://www.mhc.tn.gov.in/judis

WEB COPY

KRISHNAN RAMASAMY J.

rst

WP No. 43889 of 2026
AND
WMP NO. 49245 OF 2026,
WMP NO. 49247 OF 2026

03-11-2026

https://www.mhc.tn.gov.in/judis