IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.1349 of 2026
and
W.M.P.Nos.1513 & 1519 of 2026

Tvl. J.K.Stores,
Rep by its Authorized Signatory
Mr.J.Edition
S/o. K.Joseph
No.1/566, Vallalar Street,
Kottivakkam, Thiruvanmiyur,
Chennai, Tamil Nadu – 600041. ... Petitioner

Vs.

1. The Commissioner of Commercial Tax
Ezhilagam, Chepauk, Chennai – 600005.

2. The Deputy Commercial Tax Officer II (SR)
Sholinganallur Assessment Circle,
IInd Floor Room No.241,
Integrated Building of Commercial Tax and Registration Department
(South Tower),
Nanthanam, Chennai – 35. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the record relating to the order of the 2nd respondent Order in DIN:GST/33AAAAJ0694G1ZW/20/1 order dated 24.08.2024 and quash the same.

For Petitioner : Mr.B.Ramesshkumaar
For Respondent : Mr.V.Prashanth Kiran,
Government Advocate.

ORDER

Mr.V.Prashanth Kiran, learned Government Advocate takes notice for the Respondents.

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 Additional Government Pleader for the Respondents.

3. In this Writ Petition, the Petitioner has challenged the impugned Order dated 24.08.2024, which was passed pursuant to the notice dated 22.05.2024 issued for the tax period 2019-2020.

4. The learned counsel for the petitioner submits that the petitioner had filed a reply to the said notice on 24.07.2024, which fact is also recorded in the impugned order. Relevant portion of the impugned order reads as follows:-

> *"With reference to your notice/DRC-01 towards ITC to be reversed on exempt supplies for a sum of Rs.62,28,186/- which is wholly exempt from tax.*
>
> *We would like to bring to your kind notice that, we have purchased goods for a sum of Rs.3,40,49,351/- (Taxable goods = 29424916 + exempted goods for Rs.46,24,436/-) (29424916 + 4624436 = 34049351). We*

have herewith attached out purchase List for your kind reference, besides Balance Sheet for the FY 2019-2020. Secondly we have attached herewith GSTR 2A From the GST Portal for your kind reference amounting to Rs.22,33,037 and balance amount of Rs.23,91,399 which is not reflected in GSTR 2A, and We have accounted that invoices as per the bills (2233037+2391399=4624435) So the demand towards exempt supplies shall be dropped. Thirdly, ITC availed from the Supplier whose registration amounting to Rs.6211 as CGST and Rs.6211 as SGST total Rs.12422/- and interest paid through DRC-03"

5. The learned counsel for the respondents submitted that, even in the reply filed by the petitioner, it is admitted that the petitioner did not opt for a personal hearing. In that background, the impugned order came to be passed.

6. It is further submitted that, based on the reply submitted by the petitioner, the impugned order is a detailed and reasoned order and therefore the writ petition is liable to be dismissed.

7. In the light of the decisions of the Hon'ble Supreme Court in **Singh Enterprises** Vs. **Commissioner of Central Excise**, **Jamshedpur and others**, (2008) 3 SCC 70 and in **Commissioner of Customs and Central Excise** Vs. **Hongo India Private Limited and another**, (2009) 5 SCC 791

and also in **Assistant Commissioner (CT) LTU, Kakinada and others** Vs. **Glaxo Smith Kline Consumer Health Care Limited**, 2020 SCC Online SC 440, and upon considering the submissions made on either side, this Court is of the view that the matter can be remitted back for reconsideration.

8. The learned counsel for the Petitioner further submits that the Petitioner is willing to pre-deposit 50% of the disputed tax as a condition for *denovo* adjudication.

9. Considering the fact that the petitioner's reply dated 24.07.2024 has not been considered while passing the impugned order, although the reply is inadequate and to balance the interest of both parties viz., the Assessee and the Revenue, the case is remitted back to the first Respondent to pass a fresh order subject to the Petitioner depositing 50% of the disputed tax in cash from the Petitioner's Electronic Cash Register within a period of thirty (30) days from the date of receipt of a copy of this order.

10. Within such time, the Petitioner shall also file a proper reply to the Show Cause Notice in GST DRC-01 dated 22.05.2024 together with requisite documents to substantiate the case by treating the impugned Order

dated 24.08.2024 as an addendum to the Show Cause Notice dated 22.05.2024.

11. In case the Petitioner complies with the above stipulations, the first 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 reply/pre-deposit. Subject to the Petitioner complying with the above stipulations, the attachment of the bank account of the Petitioner shall also stand automatically vacated.

12. It is made clear that bank attachment shall be lifted subject to the deposit of 50% of the disputed tax as ordered above and the Petitioner is not in arrears of any other amount barring the amount demanded under the impugned Order.

13. In case the Petitioner fails to comply with any of the stipulations, the first 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.

C.SARAVANAN, J.

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14. Needless to state, before passing any such order, the first Respondent shall give due notice to the Petitioner.

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

22.01.2026

Neutral Citation: Yes / No
kmm

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