IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP. No.7078 of 2026
&
WMP.Nos.7695 & 7692 of 2026

M/s Velmurugan Street Hawker
No 26 /101, Mariappan Stores,
Canal Bank Road, CIT Nagar,
Chennai 600035
Rep by its proprietor
P. Velmurugan

..Petitioner

Vs

The State Tax Officer (ST) (Fac)
Nandanam Assessment Circle,
No 46 Pasumpon Muthuramalingam Salai,
R.A. Puram, Chennai 28

..Respondent

PRAYER: Writ Petition IS filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the respondent leading to issuance of Impugned Order dated 27.01.2025, vide GSTIN 33BEMPV1559J1ZZ/2017-18 and quash the same and direct the Respondent to pass orders afresh after providing an opportunity to the Petitioner to file its reply with documents.

For Petitioner(s) : Mr.S.Sathyanarayanan

For Respondent(s): Mrs.K.Vasanthamala,
Govt. Advocate

ORDER

Mrs.K.Vasanthamala, learned Government Advocate takes notice for the Respondent.

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 Government Advocate for the Respondent.

3. In this Writ Petition, the Petitioner has challenged the impugned Assessment Order dated 27.01.2025.

4. By the aforesaid impugned Assessment Order, the demand proposed in Show Cause Notice dated 20.07.2024 has been confirmed for the Tax period July 2017 - 2018 under Section 74 of the respective GST Enactments, 2017.

5. The Petitioner had also responded to the aforesaid Show Cause Notice by a reply dated 25.07.2024 by uploading the same in Form GST DRC-06. The reply of the Petitioner reads as under:-

> *"With reference your letter cited I made mistaken GST return filed by somebody audit person for the period 2017-2018 already informed to you. I ready to file reverse return now as your suggestion."*

6. However, the Petitioner has also not opted for personal hearing and thus, the impugned order has been passed.

7. It is noticed that there are no indications in the impugned order that there has been any procedural violation in passing the impugned order.

8. It is inconceivable how the Petitioner's turnover would be restricted to only Rs.56,19,909/- has been stated by the learned counsel for the Petitioner. Indeed, the Input Tax Credit that has been availed by the Petitioner itself indicates that Petitioner has availed Input Tax Credit of Rs.25,91,494/- and also indicates that the Petitioner's purchase turn over itself will be above Rs.90,00,000/-.

9. Considering the above and following the consistent view taken by this Court under similar circumstances, the Petitioner is given liberty to file a Statutory Appeal before the Appellate Commissioner subject to the Petitioner depositing 25% of the disputed tax in cash or from the Petitioner's Electronic Cash Ledger within a period of thirty (30) days from the date of receipt of copy of this order.

10. In case the Petitioner files such statutory appeal, along with such pre-deposit, the Appellate Authority shall dispose of the Appeal on merits without

further reference to the limitations and in accordance with law as expeditiously as possible, preferably, within a period of three (3) months of such pre-deposit. Subject to the Petitioner complying with the above stipulations, the attachment of the bank account of the Petitioner shall also stand automatically raised/vacated.

11. It is made clear that bank attachment shall be lifted subject to the Petitioner depositing 25% of the disputed tax as ordered above and the Petitioner not being in arrears of any other amount for any other tax period barring the amount demanded under the impugned Order.

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

13. Needless to state, before passing any such final order, the Petitioner shall be heard.

14. This Writ Petition is dismissed with the above liberty. No costs. Consequently, the connected miscellaneous petitions are closed.

Neutral Citation: Yes/No **05-03-2026**
GV

To

The State Tax Officer (ST) (Fac)
Nandanam Assessment Circle,
No 46 Pasumpon Muthuramalingam Salai,
R.A. Puram, Chennai 28

C.SARAVANAN J.

gv

WP No. 7078 of 2026
&
WMP NOs. 7695 & 7692 OF 2026

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