IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 1291 of 2026

AND

WMP NO. 1474 OF 2026,WMP NO. 1470 OF 2026,

WMP NO. 1475 OF 2026

Sri Kavithalaya Steels
Rep by its Proprietor Tvl Elangovan 102-1,
Santhaipettai Street,Veeraganur, Salem,Tamil
Nadu-636116.

..Petitioner(s)

Vs

1. The Appellate Authority
   The Deputy Commissioner (ST (GST)
   Salem.

2. The State Tax officer
   Attur (Rural) Integrated commercial Taxes
   office, 1st Floor Survey No. 500/4,
   Appasamutharam, Thennangudipalyam village
   post, Attur Taluk, Salem 636 108.

3. The Branch Manager
   State Bank of India,
   71 old Bazaar st., Veeraganur, Salem,
   Tamil nadu 636 352

..Respondent(s)

PRAYER

Writ Petition filed under Art. 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to Impugned Order No.33AAVPE3091Q1Z3/2018-19 dated 27.04.2024 vide reference No.ZD330424221963J under TNGST Act, 2017/CGST Act, 2017 issued by 2nd respondent and consequential impugned order of rejection of Application for rectification vide reference No. ZD331224189081N dated 23.12.2024 passed by 2nd respondent and quash the same as illegal, arbitrary and violative of principles of natural justice and consequently directing the respondent to defreeze the current account no. 11414133156 on the file of 3rd respondent and the matter may be remanded back to respondents for fresh consideration without payment since it is already paid.

For Petitioner(s): Mr. U. Karunakaran U

For Respondent(s): Mrs.P.Selvi,
Government Advocate for R1 & R2

ORDER

Mrs.P.Selvi, learned Government Advocate takes notice for the Respondents 1 and 2.

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 Respondents 1 and 2.

3.In this Writ Petition, the Petitioner has challenged the impugned Assessment Order dated 27.04.2024 in Form GST DRC – 07 passed for the financial year 2018-2019 and the rejection of Rectification Order dated 23.12.2024, whereby the application filed on 26.07.2024 for rectification of the impugned Assessment Order dated 27.04.2024 has been rejected.

4.The impugned Assessment Order dated 27.04.2024 was preceded by a Show Cause Notice in DRC–01 dated 29.12.2023, to which the Petitioner failed to a reply and thus, suffered the impugned order dated 27.04.2024.

5. By the impugned order, the demand that has been confirmed against the petitioner is extracted as under :-

Sl. No.	***Tax***	***Interest***	***Penalty***	***Total***
1.	9,70,184.00	0.00	97,018.00	10,67,202.00
2.	9,70,184.00	0.00	97,018.00	10,67,202.00
Total	19,40,368.00	0.00	1,94,036.00	21,34,404.00

6.The learned counsel for petitioner submitted that the application for rectification was rejected and therefore, liberty may be granted to the petitioner to file a statutory appeal against the impugned order dated 27.04.2024.

7. The learned counsel for petitioner further submitted that in para 7 of the affidavit filed in support of this Writ Petition, the petitioner has stated that already a sum of Rs.5,75,646/- has been paid by the petitioner towards the disputed tax liability of Rs.19,40,368/-.

8. The learned Government Advocate appearing for respondents 1 and 2, however, unable to confirm the averments made in para 7 of the affidavit filed by the petitioner in support of this Writ Petition.

9.Considering both side submissions and following the consistent view taken by this Court under similar circumstances, the petitioner is given liberty to prefer an appeal before the 1st respondent/Appellate Authority together with requisite documents to substantiate the defence subject to the petitioner depositing 25% of the disputed tax over and above already paid by the petitioner within a period of 30 days from the date of receipt of copy of this order.

10. The petitioner is also directed to secure a certificate from the 2nd respondent evidencing the aforesaid payment of Rs.5,75,646/- and to submit the same before the 1st respondent.

11. In case the Petitioner complies with the above stipulations, the 1st Respondent/Appellate Authority shall proceed to pass a final order on merits without further reference to limitation. 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 petitioner depositing 50% of the disputed tax as ordered above and the Petitioner not being 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 Respondents are 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.

14. It is needless to state, before passing any such order, the 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.

27-01-2026

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

RPP

To

1. The Appellate Authority,
   The Deputy Commissioner (ST (GST), Salem

2. The State Tax officer, Attur (Rural),
   Integrated Commercial Taxes Office,
   1st Floor Survey No 500/4, Appasamutharam,
   Thennangudipalyama village post, Attur Taluk,
   Salem 636 108

3. The Branch Manager, State Bank of India,
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C.SARAVANAN J.

RPP

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