IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.2314 of 2026
and
W.M.P.Nos.2567, 2569 and 2571 of 2026

M/s.Sri Thirumurugan Auto Mobiles
Proprietrix R.Chamundeeswari. ... Petitioner

Vs.

1.The Deputy Commissioner (CT),
GST – Aappellate Authority,
Namakkal (Rural), Hasthampatti,
Salem, Pincode – 636 007.

2.The Assistant Commissioner (ST),
Namakkal (Rural) Circle,
Namakkal – 637 001. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the second respondent herein GSTIN: 33CNIPS4305M1ZQ/2020-21 dated 04.02.2025 and consequential rejection order passed by the first respondent in ARN # AD3311250237289 dated 02.12.2025 and quash the same.

For Petitioner : Mr.S.Senthil

For Respondents : Ms.Amirtha Poonkodi Dinakaran
Government Advocate

ORDER

Ms.Amirtha Poonkodi Dinakaran, 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 Government Advocate for the Respondents.

3. In this Writ Petition, the Petitioner has challenged the impugned Assessment Order dated 04.02.2025 and the impugned appeal rejection order dated 02.12.2025, whereby, the Petitioner's appeal dated 14.11.2025 against the impugned Assessment order which came to be rejected on the ground of limitation.

4. Earlier, the Petitioner had filed an application for rectification of the aforesaid Assessment order vide application dated 25.11.2024 which came to be rejected on 01.07.2025.

5. The learned counsel for the Petitioner would endeavor to draw attention to Circular No.237/31/2024 – GST dated 15.10.2024 bearing F.No.CBIC-20001/6/2024-GST.

6. The said circular has been issued in the light of statutory intervention in view of the insertion of Section 16(5) to the respective GST enactments inserted by **Finance (No.2) Act, 2024 (15 of 2024)** dated **16.08.2024**, vide **SO 4253(E) with retrospective effect from 01.07.2017** has been inserted into the GST and corresponding amendments have been made to the TNGST Act, 2017.

7. A reference to the aforesaid circular in the context of the above statutory intervention of the insertion of 16(5) and 16(6) of the respective GST enactments cannot be countenanced.

8. That apart, application filed for rectification on 25.11.2024 is also not based on the allegations that the Petitioner had belatedly availed the credit.

9. On the other hand, there is no ground for other issues within the belated availing of Input Tax Credit.

10. It is noticed that the Petitioner has already pre-deposited 10% of the disputed tax confirmed vide impugned order dated 04.02.2025 at the time of filing of appeal on 14.11.2025 before the Appellate Authority.

11. However, it is noticed that application for rectification on 25.11.2024 is not mandatory on the strength of the aforesaid circular of the Government, in view of the insertion of Section 16(5) to the respective GST enactments inserted by **Finance (No.2) Act, 2024 (15 of 2024)** dated **16.08.2024**, vide **SO 4253(E) with retrospective effect from 01.07.2017.**

12. At this stage, the learned counsel for the Petitioner submits that the Petitioner is willing to pre-deposit 15% of the disputed tax, as a condition for *denovo* adjudication.

13. Under similar circumstances, Orders have been quashed and cases have been remitted back to the Respondent to pass a fresh order on terms subject to such Assessee depositing 25% to 100% of the disputed tax

depending upon the length of delay in approaching the Court. I do not find any reason to take a different view in this case.

14. Therefore, to balance the interest of both parties viz., the Assessee and the Revenue, the case is remitted back to the 1st Respondent to pass a fresh order on merits subject to the Petitioner depositing 15% of the disputed tax over and above 10% already pre-deposited at the time of filing of an appeal 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.

15. In case there has been any recovery or any other amount paid by the Petitioner towards the tax liability confirmed vide impugned order dated 04.02.2025, the same shall be set off against the pre-deposit of 15% as ordered above. This shall however be subject to verification by the Respondents.

16. In case the Petitioner complies with the above stipulations, the Appellate Authority, viz., 1st Respondent shall dispose of the appeal 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.

17. It is made clear that bank attachment shall be lifted subject to the Petitioner depositing 15% 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.

18. In case the Petitioner fails to comply with any of the stipulations, the 2nd 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.

19. Needless to state, before passing any such order, the 2nd Respondent shall give due notice to the Petitioner.

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

29.01.2026

Neutral Citation: Yes / No
jas

To:

1.The Deputy Commissioner (CT),
GST – Aappellate Authority,
Namakkal (Rural), Hasthampatti,
Salem, Pincode – 636 007.

2.The Assistant Commissioner (ST),
Namakkal (Rural) Circle,
Namakkal – 637 001.

C.SARAVANAN, J.

jas

W.P.No.2314 of 2026
and
W.M.P.Nos.2567, 2569 and 2571 of 2026

29.01.2026