IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.50192 of 2025
and
WMP Nos.56151 & 56152 of 2025

Sakthivel Lakshmi Kiruthika
[Trade Name : Lakshmi Infrastructure]
Rep by its Proprietrix,
No.48/14, Radial House,
Anna Nagar West Extension,
Chennai – 600 121. ... Petitioner

Vs.

1.Assistant Commissioner (ST) (FAC)
(Review) Central -I, Chennai – 6.

2.Assistant Commissioner,
Koyambedu : Central -I -
Chennai Central : Tamil Nadu. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the order of assessment in Form DRC-07 bearing Ref No.ZD331025157498A in GSTIN / ID : 33AGUPL5014H1ZD/APR 2024 – MAR 2025 dated 15.10.2025 passed by the second respondent under Section 74 of the TNGST Act and to quash the same as illegal and arbitrary and further to direct the second respondent to pass fresh orders of assessment after considering the E-way bills and documents submitted by the petitioner on 18.07.2025.

For Petitioner : Mr.R.Ganesh Kanna

For Respondent : Mrs.P.Selvi
Government Advocate

ORDER

Mrs.P.Selvi, 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. The petitioner is before this Court as against the impugned order dated 15.10.2025 in Form GST DEC-07 passed by the second respondent. By the impugned order the demand proposed in the Show Cause Notice DRC-01 dated 10.09.2025 has been confirmed to which the petitioner failed to reply and thus suffered the impugned order.

4. The proceedings were initiated against the petitioner on the ground that the petitioner had been dealing with non-existing dealer. In reply to the show cause notice in DRC-01A dated 08.07.2025, the petitioner had

filed certain documents namely invoices, E-way bill and bank statement.

5. The learned counsel for the petitioner submits that the petitioner could not file other documents to substantiate the movement of goods and services. It is further submitted that the petitioner is presently in possession of all the documents needed to substantiate that indeed there was movement of goods and services.

6. That apart, it is submitted by the learned counsel for the petitioner that the supplier has also given a letter stating that the supplier was in existence and that has been running business from the place of business and has also filed returns in GSTR -1 and GSTR-3 and paid taxes in March 2025.

7. According to the petitioner, the writ petition could be dismissed with liberty to the petitioner to file a statutory appeal before the Appellate Authority as the time limit to file a statutory appeal under Section 107 of the respective GST Enactments has expired.

8. However, considering the fact that the petitioner is purportedly in possession of the necessary documents to show that there was physical movement of goods from the said supplier namely M/s.Metro Enterprises, the impugned order is quashed and the case is remitted back to the second respondent to pass a fresh order on merits, subject to the petitioner depositing 10% of the disputed tax as confirmed by the impugned order within a period of thirty (30) days from the date of receipt of a copy of this order.

9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 10.09.2025 together with requisite documents to substantiate the case by treating the impugned Order dated 15.10.2025 as an addendum to the Show Cause Notice dated 10.09.2025.

10. In case the Petitioner complies with the above stipulations, the second 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.

11. It is made clear that bank attachment shall be lifted subject to the petitioner depositing of 10% 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.

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 order, the second Respondent shall give due notice to the Petitioner.

14. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

02.01.2026

mtl
Neutral Citation : Yes /No

To:

1.Assistant Commissioner (ST) (FAC)
(Review) Central -I, Chennai – 6.

2.Assistant Commissioner,
Koyambedu : Central -I -
Chennai Central : Tamil Nadu.

C.SARAVANAN, J.

mtl

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