IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN
WP No. 50209 of 2025
AND
WMP NO. 56173 OF 2025 & WMP NO. 56174 OF 2025

Rubicon Associates
Rep By Its Partner K Venkatesan
A3, Umalayapuram, Chennai Kancheepuram,
Tamil Nadu 600044

..Petitioner(s)

Vs

State Tax Officer,
Pallavaram Assessment Circle,
3rd Floor, Integrated Commercial Taxes Building,
Nandanam, Chennai 35.

..Respondent(s)

PRAYER

Writ Petition filed under Art. 226 of Constitution of India seeking for issuance of a Writ of Certiorari, to call for the records of the respondent herein in Impugned order passed in GSTIN 33AALFR0334D1ZO/ 2018-19 dated 29.02.2024 and consequential Rectification Rejection order in GSTIN 33AALF0334D1ZO/2018-19 dated 29.10.2025 for the FY 2018-19 and quash the same.

For Petitioner(s): Ms. G Vardini Karthik

For Respondent(s): Ms. Amirtha Poonkodi Dinakaran,
Government Advocate

ORDER

Ms.Amirtha Poonkodi Dinakaran, 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. The Petitioner is before this Court against the impugned order dated 29.02.2024 in DRC – 07 passed for the financial year 2018-2019 and order dated 29.10.2025, whereby the application filed on 06.09.2025 for rectification of the impugned order dated 29.02.2024 came to be rejected. The impugned order dated 29.02.2024 was preceded by a show cause notice in DRC – 01, to which the Petitioner failed to reply and thus, suffered the impugned order dated 29.02.2024.

4. By the impugned order, the demand that has been confirmed against the petitioner is as follows :-

Sl. No.	***Tax***	***Interest***	***Penalty***	***Total***
1.	20,90,886.00	19,74,579.00	2,09,087.00	42,74,552.00
2.	20,90,886.00	19,74,579.00	2,09,087.00	42,74,552.00
Total	41,81,772.00	39,49,158.00	4,18,174.00	85,49,104.00

5. A reading of the impugned order indicates that part of the demand to an extent of Rs.32,24,256/- is on account of belated filing of Input Tax Credit under Sec.16(4) of the respective GST Enactments. The balance amount of tax for a sum of Rs.9,57,476/- pertains to mismatch in details between GSTR – 2A and GSTR – 3B filed by the petitioner.

6. As far as belated availing of Input Tax Credit in accordance with Section 16(4) of the respective GST Enactments is concerned, the issue is settled in favour of the assessee by way of a statutory intervention by virtue of the insertion of Section 16(5) and 16(6) 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**, which would require re-adjudication.

7. As far as mismatch in details of Input Tax Credit in GSTR-2A and GSTR-3B is concerned, the matter has to be remitted back to the original authority for consideration after hearing the petitioner.

8. Under these circumstances, the impugned orders are quashed and the case is remitted back to the respondent subject to the petitioner depositing 50% of disputed tax confirmed on account of mismatch in details between GSTR –

2A and GSTR – 3B 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.

9. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 29.12.2023 together with requisite documents to substantiate the case by treating the impugned Order dated 29.02.2024 as an addendum to the show cause notice dated 29.12.2023.

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

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 Respondent shall give due notice to the Petitioner.

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

06-01-2026

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

RPP

To

State Tax Officer,
Pallavaram Assessment Circle,
3rd Floor, Integrated Commercial Taxes Building,
Nandanam, Chennai 35.

C.SARAVANAN J.

RPP

WP No. 50209 of 2025
AND
WMP NO. 56173 OF 2025 &
WMP NO. 56174 OF 2025

06-01-2026

(1/2)