**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 05.01.2026

CORAM :

**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

W.P.No.50244 of 2025
and
W.M.P.Nos.56212 and 56213 of 2025

S.Krishnan

... Petitioner

Vs.

The State Tax Officer,
Integrated Commercial Taxes Building,
Polur, Tiruvannamalai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records of the respondent relating to the impugned notice vide Show Cause Notice Ref. No.ZD3305252799330 dated 26.05.2025 along with the summary of SCN in ZD3305252799330 dated 26.05.2025 and quash the same.

For Petitioner : Mr.Sankar Varadharajan

For Respondent : Mrs.P.Selvi
Government Advocate




https://www.mhc.tn.gov.in/judis

**ORDER**

Mrs.P.Selvi, learned Government Advocate, takes notice for the Respondent.

2. This Writ Petition is being disposed of at the time of admission with the consent of the learned counsel for the Petitioner and learned Government Advocate for the Respondent.

3. In this Writ Petition, the Petitioner has challenged the impugned intimation in Form GST DRC – 01A dated 26.05.2025, whereby the petitioner has been called upon to pay the following amounts for the tax period April 2021 to March 2022, under the respective GST enactments:-

| Act | Period | Tax | Interest | Penalty | Total |
|---|---|---|---|---|---|
| CGST | APR 2021 - MAR 2022 | 20,61,267.00 | 15,39,004.00 | 2,18,626.00 | 38,18,897.00 |
| SGST | APR 2021 - MAR 2022 | 20,61,267.00 | 15,39,004.00 | 2,18,626.00 | 38,18,897.00 |
| **Total** | | **41,22,534.00** | **30,78,008.00** | **4,37,252.00** | **76,37,794.00** |

4. The impugned notice has been issued under Rule 142 (1A) and Rule 142 (2A) of the respective GST Rules, read with Sections 73 (5) and 74(5) of the respective GST enactments.

5. The learned counsel for the petitioner submits that the issue involved in the present writ petition is already covered by an interim order passed by the Hon'ble Supreme Court in ***Udaipur Chambers of Commerce and Industry & Others vs. Union of India and Others,*** vide order dated 11.01.2018 in SLP.(C).No.37326 of 2017, arising out of final order dated 24.10.2017 in DBCWP.No.14578 of 2016.

6. A reading of the aforesaid order indicates that it has no relevance to the facts of the present case. The said order is applicable only to the limited extent of determining whether any service tax for grant of mining lease (seigniorage fee) royalty payable to the Government can be said to be covered by the aforesaid order of the Hon'ble Supreme Court. Insofar as the sale of mineral rough stone and gravel is concerned, *Prima facie*, the petitioner is liable to pay sales tax.

7. Be that as it may, it is noticed that the petitioner has submitted a reply / representation dated 12.12.2025 to the impugned notice. The petitioner has participated in the aforesaid proceedings. Therefore, on this ground, the writ petition is not maintainable.

8. In any event, the proceedings cannot be stalled. Therefore, the present writ petition is liable to be dismissed. However, this Court directs the respondent to consider the petitioner's reply dated 12.12.2025 and pass appropriate orders on merits, after affording an opportunity of hearing to the petitioner. It is needless to state that, before initiating any coercive steps, the respondent shall pass a reasoned order in accordance with law.

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

**05.01.2026**

Index : Yes/No
Neutral Citation : Yes/No

av

To:

The State Tax Officer,
Integrated Commercial Taxes Building,
Polur, Tiruvannamalai.




https://www.mhc.tn.gov.in/judis

**C.SARAVANAN, J.**

av

W.P.No.50244 of 2025
and
W.M.P.Nos.56212 and 56213 of 2025

05.01.2026
(1/2)




https://www.mhc.tn.gov.in/judis