IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 69 of 2026
and
WMP.Nos. 51 & 52 of 2026

HP Controls
Represented by its Managing partner
Mr F PREMKUMAR,
No.74/44, I-Floor, Ganapathi Street,West
Mambalam,Chennai 600 033.

..Petitioner(s)

Vs

The Assistant Commissioner
KODAMBAKKAM ASSESSMENT CIRCLE,
4th Floor, PAPJM (Annex) building, Greams
Road, Chennai 600 006.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records relating to the impugned order in Reference No. ZD 33 122 328 940 8A/2017-18, dated 31.12.2023 passed by the Respondent and quash the same as arbitrary, illegal and to pass such or other orders which may be deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner(s): M/s.S.Kabil Dev
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 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 is before this Court against the impugned order dated 31.12.2023 in Form GST DRC – 07 passed for the tax period 2017 -2018, which was proceeded by a Show Cause Notice in Form GST DRC-01 dated 30.09.2023 to which the petitioner failed to file a reply and thus suffered the impugned order.

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

Act	Period	Tax (Rs)	Interest	Penalty u/s 73 (10% of tax) (Rs)	Total
SGST	2017-18	1072680	133306	107268	1313254
Total		1072680	133306	107268	1313254

5. It is submitted by the learned counsel for the petitioner that the aforesaid Show Cause Notice in Form GST DRC – 01 dated 30.09.2023 reveals that the demand proposal was confined only to a sum of Rs.5,92,273/-

(comprising Rs.5,38,430/- towards tax and Rs.53,843/- towards penalty). It is stated that contrary thereto, the impugned order has been passed under Section 75 (7) of the respective GST Enactments.

6. It is further submitted by the learned counsel for the petitioner that the petitioner has closed the business and the GST registration of the petitioner was cancelled on 03.01.2020. It is also informed that the petitioner has not carried on any business thereafter.

7. It is noticed that the limitation for filing an appeal under Section 107 of the respective GST enactments, 2017 against the impugned Order has already expired. The present Writ Petition has been filed only on 02.01.2026.

8. At this stage, the learned counsel for the Petitioner submits that the Petitioner is willing to deposit a sum of Rs.5,38,460/- of the disputed tax as a condition for *denovo* adjudication.

9. 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.

10. Having considered the submission of the learned counsel for the petitioner and the learned Government Advocate for the respondent and following consisting view taken by this Court under similar circumstances, the impugned order is quashed and the case is remitted back to the respondent to pass a fresh order on merits, subject to the Petitioner depositing a sum of Rs.5,38,430/- towards the disputed tax, in cash from the petitioner's Electronic Cash Register within a period of 60 days from the date of receipt of copy of this order.

11. Within such time, the Petitioner shall also file a reply to the Show Cause Notice in GST DRC-01 dated 30.09.2023 together with requisite documents to substantiate the case by treating the impugned Order dated 31.12.2023 as an addendum to the Show Cause Notice dated 30.09.2023.

12. 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 raised/vacated.

13. It is made clear that bank attachment shall be lifted subject to the petitioner depositing a sum of Rs.5,38,430/- of the disputed tax as ordered above and the Petitioner not being in arrears of any other amount demanded for any other tax period barring the amount demanded under the impugned Order.

14. In case the Petitioner fails to comply with any of the stipulations, the t 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.

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

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

09-01-2026

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

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C.SARAVANAN, J.

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To

The Assistant Commissioner

KODAMBAKKAM ASSESSMENT CIRCLE,

4th Floor, PAPJM (Annex) building, Greams

Road,

Chennai 600 006.

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