BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25.03.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.7851 of 2026
and
W.M.P(MD)Nos.6430 and 6431 of 2026

Tvl Sreenivasa Balaji Papers Private Limited Represented by its
Director R Keerthana,
(Represented by its Director R Keerthana) S.F No 231,
Narikkalpatti Via,
Pechinaickanoor,
Muthunaickanpatti,
Dindugal 624 618. ... Petitioner

Vs.

The Assistant Commissioner (ST),
Palani II Assessment Circle,
Near PeriyaAuvudaiyarKovil Arch,
Kothaimangalam P.O,
Palani-624 618. ...Respondent

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records relating to the impugned order bearing Reference No. ZD331225466888V dated 31.12.2025, passed by the Respondent and quash the same as the same being arbitrary, passed in violation of the principles of natural justice and also in violation of Articles 14, 19 (1) (g) and 265 of the Constitution and thus render Justice.

For Petitioner	:Mr.G.K.Anish
For Respondent	:Mr.R.Suresh Kumar Additional Government Pleader

ORDER

The writ petition has been filed for the following relief:-

> "Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records relating to the impugned order bearing Reference No. ZD331225466888V dated 31.12.2025, passed by the Respondent and quash the same as the same being arbitrary, passed in violation of the principles of natural justice and also in violation of Articles 14, 19 (1) (g) and 265 of the Constitution and thus render Justice."

2. Heard Mr.G.K.Anish, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader, who takes notice on behalf of the respondent.

3.The impugned order dated 31.12.2025 is an assessment order passed by the respondent under Section 73 of the TNGST Act, 2017.

4. Upon perusal of the impugned order, it can be observed that discrepancies have been noted with reference to the reconciliation of E-Way Bill turnover with GSTR-01, scrutiny of Input Tax Credit (ITC) availed under imports, excess claim of ITC in GSTR-3B with reference to GSTR-9, excess claim of ITC with reference to GSTR-2A and declaration of ineligible ITC. A show cause notice was issued and after considering the explanation submitted by the petitioner, the impugned order was passed.

5. The learned counsel for the petitioner submits that the petitioner has reversed the CESS amount of Rs.27,34,804/- within 30 days of the issue of the Show Cause Notice. However, the said amount of Rs. 27,34,804/- has also been included in the assessment. He further submits that the calculation of interest with reference to the penalty is impermissible as per Section 73(8) of the Act. Regarding the interest, the learned counsel would rely upon Section 51 of the Act.

6. On the other hand, learned Additional Government Pleader appearing on behalf of the respondents submits that since the assessment order has already been passed, the petitioner has an alternative remedy by filing an appeal. Without exhausting this appellate remedy, the petitioner cannot invoke the jurisdiction of this Court regarding interest and penalty.

7. The learned Additional Government Pleader further submits that although the petitioner claims to have reversed the CESS amount, the same has been done one year after the issuance of the Show Cause Notice. Therefore, the authorities are obliged to charge both interest and the applicable penalty.

8. I have considered the rival submissions made on either side and have perused the material records of the case.

9. The issues concerning penalty and interest involve mixed questions of fact and law, which can be addressed through the filing of an appeal. However, upon reviewing the impugned order, it appears that the petitioner has reversed the CESS amount and the said amount of Rs.27,34,804/- has been included in the assessment. Furthermore, when the petitioner seeks relief in relation to other items, pointing to certain

express provisions of the Act, I believe that instead of requiring the petitioner to approach the appellate authority, this case would be appropriately remanded to the original authority, i.e., the respondent, for fresh consideration.

10. In view thereof, the writ petition is allowed on the following terms:-

i. The impugned order dated 31.12.2025 stands set aside and the matter is remanded back to the file of the respondent for fresh consideration.

ii. Within one week from the date of receipt of a web copy of the order, the petitioner is directed to file any additional reply/documents before the respondent and it is for the respondent to reconsider the entire issue with reference to all the discrepancies and pass fresh orders in accordance with law.

iii. No costs. Consequently, connected miscellaneous petitions are closed.

25.03.2026

NCC:Yes/No
rgm

D.BHARATHA CHAKRAVARTHY, J.

rgm

To

The Assistant Commissioner (ST),
Palani II Assessment Circle,
Near PeriyaAuvudaiyarKovil Arch,
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Palani-624 618.

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