BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.04.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.9450 of 2026
and
W.M.P(MD)Nos.7547 and 7548 of 2026

Ganesha Vilas,
Represented by its Proprietor G.Navaneetha Kannan,
No.5 Obulla Padithurai,
Sanghilithoppu,
Madurai-625009. ... Petitioner

Vs.

The Assistant Commissioner of CGST and C.Excise,
Madurai-l Division,
B.B.Kulam,
Madurai. ...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in Order in Original No. MADGST-000-AC-03/2025 dated 03/02/2025 (DRC-07 ZD330225037204X dated 4/2/2025) and to quash the same as cryptic, non-speaking, illegal, arbitrary,wholly without jurisdiction and direct the respondent to pass order afresh by considering the objections and records filed by the petitioner after supplying documents / basic work sheets based on which demand was arrived at and after returning the un relied documents or pass such further or other orders, as the Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner	:Mr.S.Karunakar
For Respondent	:Mr.R.Gowrishankar Senior Standing Counsel

ORDER

The writ petition is filed challenging the impugned order dated 03.02.2025, which is an order of assessment passed under Section 74(9) of the CGST Act 2017.

2. Heard Mr.S.Karunakar, learned counsel appearing for the petitioner and Mr.R.Gowrishankar, learned Senior Standing Counsel, who takes notice on behalf of the respondent.

3. Upon hearing the arguments and perusing the material records of the case, it can be seen that, upon interception of the vehicles, the respondent authorities have claimed that they unearthed facts indicating that the petitioner and its group of companies involved in the sale of 'kadalai mittai' and other sweets and savories, are engaging in under-invoicing and supplying goods between their group of companies

as well as to third parties without accounting for the entire turnover as per actuals. This allegation was denied by the dealer through a reply statement. After considering the same, the impugned order was passed on 03.02.2025.

4. It can be seen that though the time for filing an appeal has passed, the assessee has not filed one. The contention made before this court is that while the very basis of the turnover being escaped from assessment is questionable, there is no explanation in the impugned order regarding how the quantum was arrived at and the reasons for arriving at the said quantum are not contained in the impugned order.

5. On the other hand, learned standing counsel submits that the impugned order contains appropriate reasons with reference to the arrival of the quantum.

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

7. Considering the nature of the business and the types of goods and savories involved, as well as the arguments made with reference to the quantum, I am of the view that it was the petitioner's responsibility to have produced the necessary documents before the Assessing Authority at the time of assessment. If the petitioner had not properly adduced the necessary records, it would have been their duty to do so.

8. Be that as it may, upon considering the overall facts and circumstances of the case as well as the quantum of the tax component now levied, I am of the view that an opportunity should be granted to the petitioner to appear before the respondent authority once again and provide any additional replies and documents in support of their claim, for fresh consideration by the respondent authority.

9. This Court has been extending the opportunity on equitable consideration by imposing a condition to deposit 25% of the disputed tax amount alone.

10. In view there of, this writ petition is allowed on the following

terms:-

i. Within four weeks from the date of receipt of a web copy of the order, without waiting for the certified copy of the order, the petitioner shall deposit 25% of the disputed tax amount to the respondent.

ii. Upon such deposit, the impugned order shall stand set aside and the matter is remanded back to the respondent.

iii. The petitioner shall appear before the respondent without fail and produce any additional replies and documents in support of their claim and it is for the authority to consider the entire issue afresh and pass orders thereon in accordance with law.

iv. It is needless to mention that while calculating 25% of the disputed tax, amount already paid can be taken into account and the balance can be deposited by the petitioner.

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

07.04.2026

Index: Yes
Speaking Order: Yes

Neutral Citation: No
rgm

D.BHARATHA CHAKRAVARTHY, J.

rgm

To

The Assistant Commissioner of CGST and C.Excise,
Madurai-l Division,
B.B.Kulam,
Madurai.

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