

W.P(MD)No.11957 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.11957 of 2026

and

W.M.P(MD)No.9076 of 2026

Tvl.New Kaveri Super Market,
Represented by its Proprietor P.Sathishkumar,
GSTIN 33FYWPS2645G1ZT,
No-29/8, Thuraiyur Road,
Musiri.

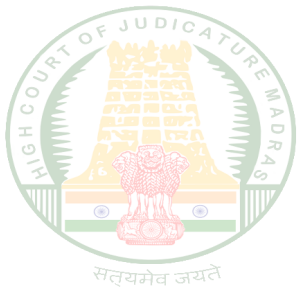
... Petitioner

vs.

The Deputy State Tax Officer - II,
Kulithalai Assessment Circle,
Commercial Tax Building,
Kulithalai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records in the impugned order in GSTIN Ref No.33FYWPS2645G1ZT/2023-24 dated 11.04.2025 issued by the respondent and quash the same as it is without jurisdiction and clear violation of statutory provisions.



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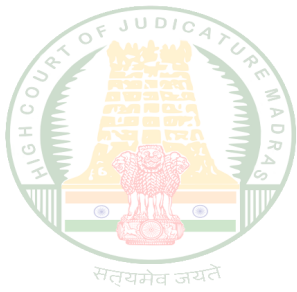
For Petitioner : Mr.S.Karunakar
For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

This Writ Petition challenges the impugned order dated 11.04.2025, which is an assessment order passed under Section 73 of the TNGST Act 2017.

2. I have heard the learned counsel for the petitioner and the learned Additional Government Pleader representing the revenue.

3. By the impugned order, the assessment was made ex parte because the petitioner did not utilise the opportunities provided. The discrepancies and grounds on which the assessment order was issued, the dealer's explanation on merits, and the reasons for not participating in the assessment proceedings are summarised briefly and presented in a table below:

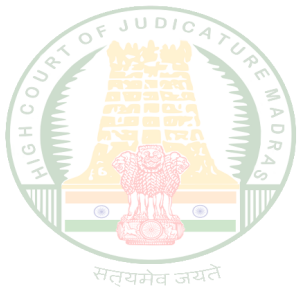


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Discrepancies found/Grounds on which the order is passed	Explanation offered by the Assessee on merits	Explanation for not availing the opportunity
ii)Difference in liability paid as per form GSTR 3B to that GSTR 01 return	As far as the alleged discrepancy of input tax mismatch between form GSTR 09 to that of GSTR 2A, he submits the purchase was covered by proper tax invoice with collection of GST tax as provided under section 31 of the GST Act and Rule 36 of the GST Rules	The part time accountant failed to notice the fact of issuing of the proceedings the respondent had only chosen to upload all the communication, summons, notices and orders only on the web portal. Because of the above reasons, the petitioner was not able to access the web portal which resulted in the issuance of ex parte impugned order.
ii)Penalty under section 73 and interest under section 50 of the GST Act	In the absence of any excess claim or wrong claim the question of levy of interest under section 50 and penalty under section 73 of the GST act does not arise to the facts of this case	

4. Considering the nature of the discrepancies noted, the explanation provided by the assessee and the reason given before this Court for not availing the opportunity, I believe that an opportunity can be granted to the assessee to present their submissions and produce the relevant supporting documents before the respondent assessing officer. This Court has been



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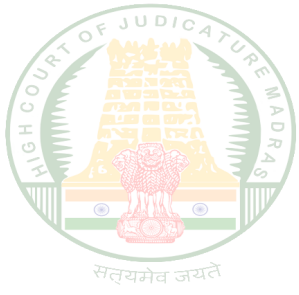
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extending such opportunities on equitable grounds; however, under appropriate conditions.

5. Normally, this Court imposes a condition to deposit 25% of the disputed tax while granting equitable opportunity. However, in this case, it is submitted that already 36% towards demand of CGST and 38% towards SGST of the disputed tax amount has already been recovered, as such no additional condition is imposed.

6. In view of this, the writ petition is allowed on the following terms:-

- i. Since 36% towards demand of CGST and 38% towards SGST amount has already been recovered, the impugned order dated 11.04.2025 shall stand set aside, and the matter shall stand remanded back to the file of the respondent.
- ii. The assessee shall appear before the respondent within a period of four weeks of receiving of the web copy of the order without fail and



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submit their reply and documents in support of their claim, and it is for the respondent to consider the matter afresh and pass orders in accordance with law.

iii. Since the impugned order of assessment is set aside, any attachment of the bank account made pursuant to the impugned order shall stand raised.

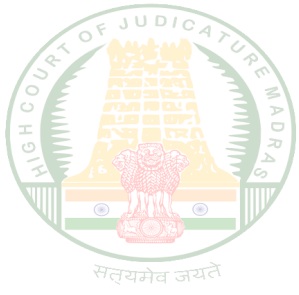
No costs. Consequently, connected Miscellaneous Petition is closed.

**22.04.2026
(2/2)**

NCC : Yes / No
ps

To

The Deputy State Tax Officer - II,
Kulithalai Assessment Circle,
Commercial Tax Building,
Kulithalai.



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D.BHARATHA CHAKRAVARTHY, J.

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