BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.14811 of 2026
and
W.M.P(MD)No.11149 of 2026

Tvl. VARS Enterprises,
Rep. by its Partner A. Ramanathan
85F/1, Kamarajar Salai,
Opposite to Alangar Theatre,
Madurai-625 009 .. Petitioner

- Vs. -

The Assistant Commissioner (State Tax),
Kamarajar Salai Assessment Circle,
Madurai. .. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the respondent vide his order in GSTIN : 33AAOFV5803G1Z3/2019-20 dated 29.08.2024 and quash the same as it is illegal and in gross violation of principles of natural justice.

For Petitioner : Mr.A.Satheesh Murugan

For Respondent : Mr.R.Parthiban
Government Standing Counsel

ORDER

This writ petition challenges the impugned order dated 29.08.2024 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 Government Standing Counsel for the respondent.

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:

Discrepancies found/Grounds on which the assessment is passed	**Explanation offered by the Assessee on merits**	**Explanation for not availing the opportunity**
Reconciliation of GSTR-01 with GSTR-3B	There is no difference, the petitioner is ready to file reply along with connected records after providing one more opportunity.	The impugned order uploaded in the GST Portal due to without knowledge of the petitioner. The accountant has not informed about the impugned order.
Input Mismatch (GSTR-3B Vs GSTR-2A)	There is no excess claim of ITC under Section 16 of the Act. The petitioner is ready to file reply along with connected records as per the circular No.183/15/2022 dated 27.12.2022. Once, complied the above circular, there is no liability under the GST Act.	- do-
Declaration of ineligible ITC	The claim of ITC only on the related business goods. Hence, the question of ineligible ITC does not arise	- do-
Invalid ITC under Section 16(4)	The petitioner is claim of ITC is eligible under Section 16(5) of the GST Act and it introduced as per Section 128A of the Act. Hence, the question of belated claim of ITC does not arise.	- do -

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

5. Normally, this Court imposes a condition on the petitioner to deposit 25% of the disputed tax amount. However, it is the contention of the learned counsel for the petitioner that a substantial portion of the disputed tax amount is covered by the ground raised with reference to the Amendment to Section 16 of the Act by way of Section 16(5) of the Act. In view thereof, with reference to the portion that is claimed to be coming within the exemption granted under Section 16(5) of the Act, for the balance portion alone, 25% of the disputed tax amount may be deposited.

6. In view thereof, 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, the petitioner shall deposit 25% of the disputed tax amount except issue raised under Section 16(5) of the GST Act with the respondent, without waiting for a certified copy of the order;

(ii) Upon such deposit, the impugned order dated 29.08.2024 shall stand set aside, and the matter shall stand remanded back to the file of the respondent;

(iii) The assessee shall appear before the respondent without fail and 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;

(iv) Since the impugned order of assessment is set aside, any attachment of the bank account made pursuant to the impugned order shall stand raised;

(v) No costs. Consequently the connected miscellaneous petition is closed.

04.06.2026

sji

NCC: Yes/No

To

The Assistant Commissioner (State Tax),
Kamarajar Salai Assessment Circle,

Madurai.

D.BHARATHA CHAKRAVARTHY, J.

sji

W.P.(MD)No.14811 of 2026

04.06.2026