BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.06.2026

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THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD). No.14880 of 2026
and W.M.P(MD)No.11179 of 2026

Tvl. V.N.S. Construction,
Represented by its Proprietor K.Vetrivel,
GSTIN 33ACMPV0854B1ZP,
No.34, Williams Road,
Cantonment,
Trichy-620001. ... Petitioner

Vs

The State Tax Officer, (Review),
O/o the Joint Commissioner (ST) (Intelligence)
Trichy Division,
Commercial Taxes Buildings,
Trichy. ... 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 GSTIN : 33ACMPV0854B1ZP/2023-24, dated 29.01.2026 for the assessment year 2023-24 passed by the respondent under Section 74 of TNGST Act 2017 and to quash the same as cryptic, nonspeaking, illegal, arbitrary, wholly without jurisdiction and direct the respondent to pass assessment order afresh after affording opportunity of being heard or pass such further or other orders.

For Petitioner : Mr.N.Sudalai Muthu

For Respondent : Mr.R.Parthiban
Government Standing Counsel

ORDER

This writ petition challenges the impugned order dated 29.01.2026, which is an assessment order passed under Section 74 of the TNGST Act 2017.

2. I have heard the learned counsel for the petitioner and the learned Government Government Standing Counsel for the respondent.

3. By the impugned orders, 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 order is passed	**Explanation offered by the Assessee on merits**	**Explanation for not availing the opportunity**
The respondent alleged suppression of turnover based on differences between figures reflected in Form GSTR-7 (TDS deductions) and Form GSTR-3B for AY 2023-24. The amounts appearing in GSTR-7 were treated as additional taxable turnover and a demand of Rs.19,29,512/- along with interest and penalty was raised under Section 74A of the TNGST Act.	The petitioner explained that the services were rendered to TWAD Board under operation and maintenance contracts relating to public water supply schemes. Such services are exempt under Entry No.3 of Notification No.12/2017-Central Tax (Rate) as pure services provided to a Government authority in relation to functions under Articles 243G and 243W of the Constitution. The work order and bid document specifically recorded that GST was not applicable to the contract. Form GSTR-7 is merely a TDS reporting statement and cannot by itself determine taxability or establish suppression of turnover. The respondent failed to examine the exemption notification, contract documents and actual nature of the services before fastening liability.	The entire proceedings, including notices and hearing intimations, were uploaded only in the GST portal. The petitioner, being a small contractor with limited knowledge, entrusted GST had GST compliance work to a part-time accountant and was fully dependent upon him for portal-related matters. During the relevant period, the petitioner was also undergoing treatment for cervical health complications and was unable to personally monitor the GST portal. The accountant failed to inform the petitioner about the pending proceedings, resulting in lack of awareness of the notices. Consequently, petitioner could not the submit objections or participate in the adjudication proceedings, leading to the ex parte assessment order.

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; But in this case, the service rendered is an exempted from GST and therefore, an opportunity is granted to the petitioner assessee without any condition.

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

(i) The impugned order dated 29.01.2026 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 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.

(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.

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

04.06.2026

NCC : Yes/No
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To

The State Tax Officer, (Review),
O/o the Joint Commissioner (ST) (Intelligence)
Trichy Division,
Commercial Taxes Buildings,
Trichy.

D.BHARATHA CHAKRAVARTHY, J.

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