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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.06.2026

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THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.14768 of 2026
and
W.M.P(MD)No.11124 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 /2022-23 dated 29.01.2026 for the assessment year 2022-23 passed by the Respondent under section 74 of TNGST Act-2017 and to. quash the same as cryptic, non-speaking,

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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,as the Honble Court may deem fit and proper in the circumstances of the case and thus render justice..

For Petitioner	:Mr.N.Sudalai Muthu
For Respondent	:Mr.R.Parthiban Government Advocate

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 Advocate 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

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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 the turnover reflected in Form GSTR-7 (TDS deductions) and the turnover reported in GSTR-3B for AY 2022-23. The amounts appearng in GSTR-7 were treated as additional taxable turnover and a demand of Rs.5,82,304/- along with interest and penalty was raised under Section 74 of the TNGST Act.	The petitioner explained that the receipts pertained to operation and maintenance contracts executed for TWAD Board under Tender No.2762/21/FCWSS. Clause 4.12 of the Bid Document specifically provided that GST was not applicable to the contract and the services were exempt under Entry No.3 of Notification No.12/2017-Central Tax (Rate). The respondent had already acknowledged possession of documents relating to AY 2022-23 in earlier proceedings but failed to consider them in the present assessment. GSTR-7 only reflects TDS deductions and cannot by itself establish taxable turnover or suppression. The respondent failed to examine the contractual terms, exemption notification and actual nature of services before invoking Section 74.	The entire proceedings, including notices and hearing intimations, were uploaded only in the GST portal. The petitioner, being a small contractor with limited knowledge of GST procedures, had entrusted GST compliance to a part-time accountant and depended upon him for portal monitoring. During the relevant period, the petitioner was also undergoing treatment for cervical health issues and could not personally follow up on the proceedings. The accountant failed to inform the petitioner about the notices uploaded in the portal. Consequently, the petitioner could not effectively participate in the adjudication proceedings, resulting in the ex parte assessment order.

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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. 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.

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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 shall stand closed.

03.06.2026

NCC:Yes/No
rgm

To

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

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D.BHARATHA CHAKRAVARTHY, J.

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