BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11.06.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.15876 of 2026
and
W.M.P(MD)No.11893 of 2026

M/s.Srinivasa Technologies,
Rep. by its proprietrix R.Pavithra,
GSTIN: 33CIYPP0597B1ZW,
32/7, North Raja Street,
Amaravathi Nagar,
Bodinayakanur. ... Petitioner

Vs.

The Assistant Commissioner ST,
Theni 1 Assessment Circle,
Theni. ...Respondent

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari or order in the nature of the writ calling for the records in the impugned order GSTIN 33CIYPP0597B1ZW/2021-22 dated 19.12.2025 followed by the rectification order vide Ref No. ZD3312253777182 dated 24.12.2025 issued by the respondent and quash the same as it is without jurisdiction and clear violation of statutory provisions or such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner	:Mr.S.Karunakar
For Respondent	:M/s.P.Sudarkodi Nachiar Government Standing Counsel

ORDER

This writ petition challenges the impugned order dated 19.12.2025 and rectification order dated 24.12.2025, 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 Government Standing Counsel 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:

Discrepancies found/Grounds on which the order is passed	Explanation offered by the Assessee on merits	Explanation for not availing the opportunity
i) Difference in Outward supply on Reconciliation of GSTR-01 with GSTR-09 ii) Excess claim of ITC in GSTR 3B with regard to GSTR 09 iii) Claim of Ineligible ITC under section 17(5) iv) Interest on late reporting of invoices v) Late fee for belated filing in form GSTR 01 vi) Late fee for belated filing of form GSTR 09/9C vii) Penalty under section 73 of the GST Act and interest under section 50 of the GST Act	The petitioner submits that as per Section 75(7) of the GST Act, the demand specified in the Order shall not be in excess of the demand raised in the show cause notice. But, in this case, the total demand specified in the show cause notice dated 18.06.2025 was Rs.4,33,123/-whereas the demand raised in the impugned proceedings was Rs.4,72,062/- and therefore the impugned proceedings are void As far as the difference in tax payable on outward supplies declared in GSTR 01 to that of GSTR 9, while uploading form GSTR 1 return, the part time accountant by inadvertent mistake had committed certain mistakes but while uploading the form GSTR 9 return, the correct tax on outward supply was declared With regard to claim of ineligible ITC under section 17(5) of the GST Act, as per the provisions of Section 16(1) of CGST Act 2017, a registered person is entitled to take credit of the input tax charged on any supply of goods or services which are used or intended to be used in the course or furtherance of business. As the petitioner had incurred expenses for business purpose only i.e. insurance etc., and as the same is in furtherance of business, he is entitled to claim the ITC As far as levy of late fee, the petitioner submits that only due to covid pandamic there was the delay uploading and the filing the return 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	Even though the petitioner had sought time for filing of reply, but he was not able to respond and the respondent had passed the impugned order But, the part time accountant due to pressure of work failed to notice the proceedings. Furthermore, the respondent had only chosen to upload all the communication, summons, notices, and orders only on the web portal

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. Since, the 100% tax amount was recovered, no additional condition is imposed.

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

i. The impugned order dated 19.12.2025 and rectification order dated 24.12.2025 shall stand set aside, and the matter shall 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 shall stand closed.

11.06.2026

Index: Yes
Speaking Order: Yes
Neutral Citation: No
rgm

D.BHARATHA CHAKRAVARTHY, J.

rgm

To

The Assistant Commissioner ST,
Theni 1 Assessment Circle,
Theni.

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