IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.15780 of 2026
and
W.M.P. Nos.17005 and 17006 of 2026

Tvl. Aqua Oxy Plus
Rep. by its Proprietor Mrs. J.Prema,
No.335/2, C.T.H.Road,
Avadi -600 054.

..Petitioner(s)

Vs

1. Deputy State Tax Officer
   Tiruvallur Assessment Circle,
   No.4/109,Chennai Bangalore High Road,
   Nazarathpettai, Chennai -600 123.

2. The Branch Manager,
   Karur Vysya Bank
   Avadi Branch,
   No.6/Pc 2/3, 60 Feet Rd,
   Vivekananda Nagar, TNHB MIG V Block,
   Avadi-600 054.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records of impugned Order dated 13.11.2025 in Form GST DRC-07 bearing reference No. ZD331125220505X and its annexure passed by the 1st Respondent in Petitioners GSTIN 33CSRPP9764M1ZL for the FY 2021-22 and quash the same and consequently raise the attachment of Petitioners Bank A/c. No. 1719280000000184 with the 2nd Respondent and pass such other or further order as this Honble Court may deem fit and proper in the circumstances of the case.

For Petitioner(s): Mr.R.Anish Kumar

For Respondent(s): Mr.C.Harsha Raj
Special Government Pleader (Tax)

ORDER

The present writ petition is filed challenging the impugned order dated 13.11.2025 relating to the assessment year 2021-22.

2. It is submitted by the learned counsel for the petitioner that the petitioner is engaged in the business of RO Purified spare parts and is registered under the Goods and Services Tax Act, 2017. During the relevant period 2021-22, the petitioner filed its returns and paid the appropriate taxes. However, during the scrutiny of the petitioner's monthly return, *inter-alia* the following discrepancies were noticed:

i) Under declaration of output tax;

ii) Excess claim of Input Tax Credit and

iii) Late fee.

3. Pursuant thereto, a show cause notice in DRC-01 was issued on 18.07.2025 followed by three reminders cum personal hearing intimation on 08.10.2025, 23.10.2025 and 01.11.2025. However, the petitioner had not responded to any of the above notices / intimation, the impugned order was thus

passed confirming the proposal. It is submitted by the learned counsel for the petitioner that the show cause notice and the impugned order of assessment were uploaded on the GST Portal, thereby, the petitioner was unaware of the proceedings and was thus unable to participate in the adjudication proceedings. It is submitted by the learned counsel for the petitioner that if the petitioner is provided with an opportunity, they would be able to explain the alleged discrepancies.

4. The learned counsel for the petitioner would place reliance upon the recent judgment of this Court in the case of ***M/s.K.Balakrishnan, Balu Cables vs. O/o. the Assistant Commissioner of GST & Central Excise in W.P. (MD)No.11924 of 2024 dated 10.06.2024,*** to submit that this court has remanded the matter back in similar circumstances subject to payment of 25% of the disputed taxes.

5. It was further submitted that the petitioner is ready and willing to pay 25% of the disputed tax and that they may be granted one final opportunity before the adjudicating authority to put forth their objections to the proposal, to which the learned Special Government Pleader appearing for the respondent does not have any serious objection.

6. By consent of both parties, the writ petition stands disposed of on the following terms:

a) The impugned order dated 13.11.2025 is set aside.

b) The petitioner shall deposit 25% of the disputed taxes as admitted by the learned counsel for the petitioner and the respondent, within a period of four weeks from the date of receipt of a copy of this order.

c) If any amount has been recovered or paid out of the disputed taxes, including by way of pre-deposit in appeal, the same would be reduced/adjusted, from/towards the 25% of disputed taxes directed to be paid. The assessing authority shall then intimate the balance amount out of 25 % of disputed taxes to be paid, if any, within a period of one week from the date of receipt of a copy of this order. The petitioner shall deposit such remaining sum within a period of three weeks from such intimation.

d) The entire exercise of verification of payment, if any, intimation of the balance sums, if any, to be paid for compliance with the direction of payment of 25% of the disputed taxes, after deducting the sums already paid and payment by the petitioner of the balance amount, if any, on intimation in compliance with the above direction shall be completed within a period of four weeks from the date of receipt of copy of this order.

e) Failure to comply with the above condition viz., payment of 25% of disputed taxes within the stipulated period i.e., four weeks from the date of receipt of a copy of this order shall result in restoration of the impugned order.

f) If there is any recovery by way of attachment of Bank account or garnishee proceedings, the same shall be lifted /withdrawn on complying with the above condition viz., payment of 25 % of the disputed taxes.

g) On complying with the above condition, the impugned order of assessment shall be treated as show cause notice and the petitioner shall submit its objections within a period of four (4) weeks from the date of receipt of a copy of this order along with supporting documents/material. If any such objections are filed, the same shall be considered by the respondent and orders shall be passed in accordance with law after affording a reasonable opportunity of hearing to the petitioner. It is made clear that if the above conditions viz., 25% of disputed taxes is not complied or objections are not filed within the stipulated period, four weeks respectively from the date of receipt of a copy of this order, the impugned order of assessment shall stand restored.

7. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MKA

To:

1.Deputy State Tax Officer
Tiruvallur Assessment Circle,
No.4/109,Chennai Bangalore High Road,
Nazarathpettai, Chennai -600 123.

2.The Branch Manager,
Karur Vysya Bank
Avadi Branch,
No.6/Pc 2/3, 60 Feet Rd,
Vivekananda Nagar, TNHB MIG V Block,
Avadi-600 054.

MOHAMMED SHAFFIQ J.

MKA

W.P. No.15780 of 2026

27-04-2026