

*W.P.No.17526 of 2025*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 09.05.2025**

**CORAM:**

**THE HONOURABLE MRS. JUSTICE N. MALA**

**WRIT PETITION NO.17526 OF 2025**  
**AND WMP NOS.19879, 19884 AND 19877 OF 2025**

Alagappan Palaniappan  
Proprietor  
Vetri Medicals  
16-C, New Avadi Road,  
Kilpauk, Chennai - 600 010.

... Petitioner

***Vs.***

1.The Deputy State Tax Officer  
Kilpauk Assessment Circle No.1  
6<sup>th</sup> Floor, PAPJM (Annexure) Building,  
Greens Road, Chennai – 600 006.

2.The Branch Manager  
Central Bank of India  
267, Kilpauk Garden Road,  
Kilpauk, Chennai – 600 035.

... Respondents

**PRAYER:** The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1<sup>st</sup> Respondent herein relating to the impugned order GSTIN No.33ARPPP7861A1ZM/ 2019-20 dated 29.04.2024, quash the



*W.P.No.17526 of 2025*

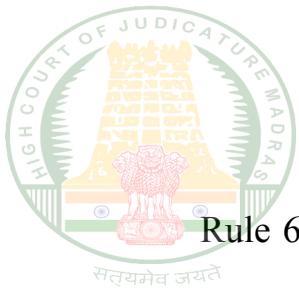
same as illegal arbitrary and devoid of merit and consequentially direct the Respondents herein to restore the status of the petitioner herein as a Composition Taxpayer.

For Petitioner : Mr.A.V.Arun Ganesh  
For 1<sup>st</sup> Respondent : Mr. V. Prashanth Kiran  
Government Advocate

### **ORDER**

This writ petition has been filed in the nature of a Certiorarified Mandamus, seeking records relating to the impugned order passed by the first respondent in GSTIN No.33ARPPP7861A1ZM/2019-20 dated 29.04.2024 and to quash the same as illegal, arbitrary and devoid of merit and for a consequential direction to the respondents to restore the status of the petitioner herein as a Composition Taxpayer.

2.The petitioner is the Proprietor of M/s.Vetri Medicals, having its principal place of business at 16-C, New Avadi Road, Kilpauk, Chennai - 600 010. The said Company is a registered Taxpayer under the GST Law with GSTIN No.33ARPPP7861A1ZM/2019-20. The petitioner is regularly complying with the GST regulations for every quarter and annually under



Rule 62 of the CGST Rules, 2017. While so, to the shock and surprise of the petitioner, during the third week of March 2025, the bankers of the petitioner, viz., Central Bank of India, called and informed the petitioner that the operations in the Current Account bearing No.1003878076 held in the Trade name “Vetri Medicals”, in which the transactions relating to the business are carried out had been put on freeze by the impugned order dated 29.04.202, issued by the Deputy State Tax Officer, the first respondent herein. The first respondent demanded a sum of Rs.11,97,000/- for wrongful ITC claims for the period 2017-2018.

3. According to the petitioner, the impugned order was passed without even issuing a show cause notice on him by merely uploading the same in the first respondent's GST portal. According to the petitioner, the levy of interest and penalty severely disrupted his business operations and therefore, the petitioner, left with no other alternative, filed the above writ petition.

4. It is submitted by the learned counsel for the petitioner that the petitioner is ready and willing to deposit 25% of the disputed tax, in the



W.P.No.17526 of 2025

event, this Court deems it fit to set aside the impugned order and remand it to the Authority for fresh consideration. He would further submit that there is bank attachment and the same may be lifted, subject to the payment of 25% of the disputed tax. Hence, he prayed for appropriate directions.

5. The learned Government Advocate (T) for the first respondent fairly submitted that since the petitioner had voluntarily come forward to deposit 25% of the disputed tax, the prayer sought for by the petitioner may be considered.

6. Considering the above submissions made by the learned counsel on either side and upon perusal of the materials, it is evident that the impugned show cause notice was uploaded on the GST Portal Tab. According to the petitioner, the petitioner was not aware of the issuance of the show cause notice issued through the GST Portal and the original of the said show cause notice was not furnished to him. In such circumstances, this Court is of the view that the impugned assessment order passed without affording any opportunity of personal hearing to the

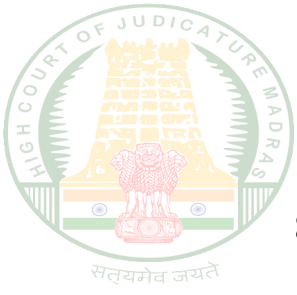


W.P.No.17526 of 2025

petitioner, confirming the proposals contained in the show cause notices is

illegal and unsustainable.

7. Assuming that sending notices by uploading in the portal is sufficient service, when the Officer who was sending the repeated reminders, received no response from the petitioner, he ought to have applied his/her mind and explored diligently the possibility of sending notices by other modes prescribed in Section 169 of the GST Act. Mere uploading notice repeatedly without ensuring their receipt by the petitioner cannot be considered as effective service. Such mechanical compliance does not serve any useful purpose and the same will only lead to multiplicity of litigations, wasting not only the time of the Officer concerned, but also the precious time of the Appellate Authority / Tribunal and this Court as well. Thus, when there was no response from the tax payer to the notice uploaded in the portal, the Officer should have sent the notice through RPAD, which would have served the purpose.



WEB COPY

8. Therefore, I find that there was a failure of effective opportunity to the petitioner to reply to the show cause notice. Hence, I am inclined to set-aside the impugned order with the following directions:-

i) The impugned order passed by the first respondent dated 29.04.2024 is set aside.

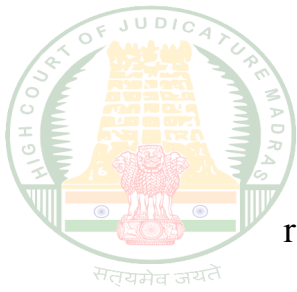
ii) Consequently, the matter is remanded to the first respondent for fresh consideration.

iii) The petitioner is directed to deposit 25% of the disputed tax, which the petitioner itself had voluntarily come forward to make, within a period of two weeks from the date of receipt of a copy of this order.

iv) Thereafter, the petitioner is directed to file a reply along with supportive documents within a period of two weeks.

v) Thereupon, the first respondent is directed to consider the reply and shall issue a clear 14 days notice affording an opportunity of personal hearing to the petitioner and shall decide the matter in accordance with law.

vi) Upon production of proof with regard to the payment of 25% of the disputed tax made by the petitioner, the first



W.P.No.17526 of 2025

respondent-Department is directed to issue appropriate direction  
on the petitioner's banker towards de-freezing of the petitioner's  
bank account forthwith.

9. With the above observations and directions, this Writ Petition is  
disposed of. No costs. Consequently, connected Miscellaneous Petitions  
are closed.

**09.05.2025**

ASI/TK

To

1.The Deputy State Tax Officer  
Kilpauk Assessment Circle No.1  
6<sup>th</sup> Floor, PAPJM (Annexure) Building,  
Greaves Road, Chennai – 600 006.

2.The Branch Manager  
Central Bank of India  
267, Kilpauk Garden Road,  
Kilpauk, Chennai – 600 035.



WEB COPY



*W.P.No.17526 of 2025*

**N. MALA, J.**

ASI/TK

**W.P.NO.17526 OF 2025 AND**  
**W.M.P NOS.19879, 19884 AND 19877 OF 2025**

**09.05.2025**

*Page No.8 of 8*