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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2026

CORAM:

THE HON'BLE MR JUSTICE C.SARAVANAN

W.P.No.17248 of 2026
and
W.M.P.Nos.18519 and 18521 of 2026

Kaizenat Technologies Private Limited
(Legal Name - Kaizenat Technologies Private Limited,)
Represented by its Director Ramesh Venkatesan,
No.14, Gandhi Main Road,
Shankar Nagar, Pammal, Kancheepuram,
Tamil Nadu-600 075.
GSTIN - 33AAECK6303R1ZA.

..Petitioner(s)

Vs

1. Assistant Commissioner of GST and Central Excise, Circle IV,
   Office of the Assistant Commissioner of GST and Central Excise, Pallavaram Division,
   Chennai Outer Commissionerate,
   No.6, Sridevi Temple Towers, 2nd Main Road,
   Sembakkam, Chennai - 600 073.

2. The Assistant Commissioner of GST and Central Excise,
   Office of the Assistant Commissioner of GST and Central Excise, Pallavaram Division,
   Chennai Outer Commissionerate,
   No.6, Sridevi Temple Towers, 2nd Main Road,
   Sembakkam,
   Chennai - 600 073.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records in Order-in-Original

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No.191/2025 GST (AC) dated 31.12.2025 in DIN No.20251259XL000021742F passed by the 2nd Respondent and quash the same.

For Petitioner(s): Mr.Joseph Prabakar

For Respondent(s): Mr.K.S.Ramasamy
Senior Standing Counsel

ORDER

Mr.K.S.Ramasamy, learned Senior Standing Counsel takes notice for the Respondents.

2. This Writ Petition is being disposed of at the stage of admission itself with the consent of the learned counsel for the Petitioner and the learned Senior Standing Counsel for the Respondents.

3. The Petitioner is before this Court against the Impugned Order-in-Original No.191/2025 GST (AC) dated 31.12.2025 passed by the second Respondent, whereby, proposal in Show Cause Notice No.06/2025-GST/SOR/AC dated 29.09.2025 has been confirmed for the Tax Period 2021-2022 after considering the Petitioner's reply to the aforesaid Show Cause Notice *vide* reply dated 24.12.2025. The Revenue Abstract of the Impugned Order reads as under:-

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i. I confirm the demand of 20,39,532/- (IGST:Rs.16,67,356/); CGST-Rs.1,18,381/- & SGST – Rs.1,18,381/-; CESS: Rs.1,35,414/- (Rupees Twenty Lakhs Thirty Nine Thousand Five Hundred and Thirty-Two only) due to Excess availment of ITC as declared in Table-8 of GSTR-9 during the tax period from April, 2021 to March,2022, under Section 73(9) of the CGST/TNGST Act, 2017 read with Section 20 of the IGST Act, 2017, as explained in the preceding Para-No.6.1;

ii. I confirm the demand of Rs.4,92,571/- (IGST:Rs.3,14,966/-; CGST:Rs.88,802/-; SGST:Rs.88,802/- (Rupees Four Lakh Ninety Two Thousand Five Hundred and Seventy One only) being the excess / wrong availment of credit in respect of supplies blocked under Section 17 of CGST Act during the tax period from April, 2021 to March, 2022, under Section 73(9) of the CGST/TNGST Act, 2017 read with Section 20 of the IGST Act, 2017, as explained in the preceding Para No.6.2;

iii.I confirm the demand of Rs.36,56,270/- (CGST; Rs.18,28,135/-; SGST:Rs.18,28,135/-) (Rupees Thirty Six Lakh Fifty Six Thousand Two Hundred and Seventy Only) on account of short-payment of tax by adopting an incorrect rate of 5% instead of the applicable rate at 18% on outward taxable supplies during the tax period from April, 2021 to March, 2022, under Section 73(9) of the CGST / TNGST Act, 2017 read with Section 20 of the IGST Act, 2017, as explained in the preceding Para-No.6.3;

iv.I confirm the demand of Rs.20,26,278/- (IGST) (Rupees Twenty Lakh Twenty-Six Thousand Two Hundred and Seventy-Eight only) on account of incorrect claim of Zero-Rated Supply during the tax period from April, 2021 to March,2022, under Section 73(9) of the CGST/TNGST Act, 2017 read with Section 20 of the IGST Act, 2017, as explained in the preceding Para-No.6.4;

v. I demand the applicable interest amount at the appropriate rates fixed by the central government from time to time, under Section 50 of the CGST/TNGST Act, 2017 read with Section 20 of the IGST Act, 2017 on the demand confirmed at Sl.No.(a) to (d) above;

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vi. I impose Penalty of Rs.8,21,465/- (IGST:Rs.4,00,860/-; CGST:Rs.2,03,532/-; SGST:Rs.2,03,532/- & Cess:Rs.13,541/-) (Rupees Eight Lakhs Twenty One Thousand Four Hundred Sixty Five Only) on the taxpayer under Section 122(2)(a) read with Section 73(9) of the CGST/TNGST Act, 2017 which is made applicable to IGST in terms of Section 20 of the IGST Act, 2017 on the demand confirmed at Sl.No.(a) to (d) above;

vii. I confirm the demand of late fee of Rs.2,200/- (CGST:Rs.1,100/-; SGST:Rs.1,100/-)(Rupees Two Thousand and Two Hundred only) as applicable under Section 47 of the CGST/TNGST Act, 2017 for delayed filing of GSTR-1 for the period from April, 2021 to March, 2022 as explained in the preceding para 6.6 above.

Viii. I appropriate the amount of late fee of Rs.2,200/- (CGST:Rs.1,100/-; SGST:Rs.1,100/-) (Rupees Two Thousand and Two Hundred only) paid by the taxpayer vide DRC-03, dated 24.12.2025 with Debit Entry No.DC3312250529247 against the demand confirmed at Sl.No.(g) above, as discussed supra.

ix. I confirm the demand of late fee of Rs.2,05,800/- (CGST:Rs.1,02,900/-; SGTST:Rs.1,02,900/-) (Rupees Two Lakhs Five Thousand Eight Hundred only) as applicable under Section 47 of the CGST/TNGST Act, 2017 for non / delayed filing of GSTR-9C returns for the period from April, 2021 to March, 2022 as explained in the preceding para 6.6 above.

x. I drop the demand of late fee of Rs.6,55,134/- (CGST:Rs.3,27,567/-; SGST:Rs.3,27,567/-)(Rupees Six Lakhs Fifty Five Thousand One Hundred Thirty Four only) as applicable under Section 47 of the CGST/TNGST Act, 2017 for non / delayed filing of GSTR-9C returns for the period from April, 2021 to March, 2022 as explained in the preceding para 6.6 above.

xi. I impose Penalty of Rs.1,00,000/- (IGST:Rs.50,000/-; CGST:Rs.25,000/-; & SGST:Rs.25,000/- (Rupees One Lakh Only) the taxpayer also not filed GSTR-9C Returns till the date under Section 125 of CGST/TNGST Act, 2017 made applicable to IGST under Section 20 of IGST Act, 2017.

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4. A perusal of the Impugned Order in Original No.191/2025 GST (AC) dated 31.12.2025 indicates that in the Show Cause Notice No.06/2025-GST/SOR/AC dated 29.09.2025, the demand were proposed on the following heads:

> *(i)Availment of excess Input Tax Credit as declared in Table 8 of GSTR – 9;*
> *(ii)Non-Reversal of ITC availed in respect of blocked credit under Section 17(5) of GST Act;*
> *(iii)Tax liability on account of short-payment of tax by adopting an incorrect rate of 5% instead of the applicable 18% on outward taxable supplies;*
> *(iv)Export of Services – Incorrect Claim of Zero-Rated supply and*
> *(v)Late Fee for Belatedly filed / non-filing of GST Returns.*

This has been considered while passing the impugned order.

5. The case of the Petitioner is that parallel proceedings were initiated earlier under Section 65 of the Act by the first Respondent for the tax period **2020-2024** with the issuance of a notice in Form GST ADT-01 dated 01.04.2025 which called upon the petitioner to furnish certain documents which ultimately culminated with the issuance of Audit Report in Form ADT-02 dated 18.12.2025 followed by intimations under Section 74 of the respective GST enactments. It is submitted that no orders have been passed pursuant to the above mentioned intimations or notices in Form GST DRC-01A dated 19.12.2025 and Show Cause Notice dated 16.03.2026.

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6. On a specific query, as to whether there is any overlap between proposal in the above Show Cause Notice dated 16.03.2026 and the Show Cause Notice dated 29.09.2023 which has now culminated in the impugned order, the learned Senior Standing Counsel for the Respondent is unable to confirm whether there is an overlap in the demand proposed in Show Cause Notice dated 16.03.2026 and the demand confirmed in the Impugned Order in Original No.191/2025 GST (AC) dated 31.12.2025 passed pursuant to the Show Cause Notice No.06/20025-GST/SOR/AC dated 29.09.2025. He would further submit that the Petitioner's reply has been considered while passing the Impugned Order.

7. There are several disputed question of facts which also arises for consideration. Therefore, the challenge to the Impugned Order under Article 226 of the Constitution of India cannot be countenanced. There is an appellate mechanism prescribed under Section 107 of the respective GST Enactments and further Appeal before the GST Tribunal which is now a reality under Section 112 of the respective GST Enactments. Therefore, the petitioner should work out the Appellate remedy.

8. Further, a reading of the Audit Report in ADT-02 dated 18.11.2025 and the proposals in the Show Cause Notice dated 29.09.2025 as confirmed *vide* Impugned Order does not conclusively establish the case of the petitioner.

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9. Since the limitation would have expired, the Petitioner shall file an appeal before the Appellate Authority within a period of thirty days from the date of receipt of a copy of this order. I do not find any irregularity or perversity or arbitrariness or illegality in the Impugned Order. Therefore, this Writ Petition is liable to be dismissed.

10. This Writ Petition is accordingly dismissed with liberty to the Petitioner to challenge the Impugned Order before the Appellate Authority within the stipulated period. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

30.04.2026

Neutral Citation: Yes/No

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To

1. Assistant Commissioner of GST and Central Excise, Circle IV
   Office of the Assistant Commissioner of GST and Central Excise,
   Pallavaram Division, Chennai Outer Commissionerate,
   No.6, Sridevi Temple Towers, 2nd Main Road, Sembakkam,
   Chennai - 600 073.

2. Assistant Commissioner of GST and Central Excise
   Office of the Assistant Commissioner of GST and Central Excise,
   Pallavaram Division, Chennai Outer Commissionerate, No.6, Sridevi
   Temple Towers, 2nd Main Road, Sembakkam, Chennai - 600 073.

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C.SARAVANAN, J.

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