

W.P.(MD) No.11023 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

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and

W.M.P.(MD)Nos.7930 and 7932 of 2022

M/s. Ohm Srinivasa Paper Boards Pvt. Ltd.,
Rep. by its Authorized Representative
Mr.A.Ramasubramanian,
Sinthaipalli Village, Venkatachalapuram,
Sattur - 626 203.

... Petitioner

Vs.

The Assistant Commissioner of Central GST
and Central Excise,
No.130/8-1, Kutchery Road,
Virudhunagar - 626 001.

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent herein which culminated in the Impugned Order of the Respondent in No.3CEEXO0504A082100002 dated 26.08.2021, quash the said impugned order with regard to petitioner's Excise dues as unreasonable and onerous and to direct the respondent to enable the petitioner to settle the excise dues under the Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019 with reasonable interest for the delayed period and if Scheme could not be applied alternatively to direct



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the respondent to provide reasonable time for payment of outstanding amounts in equated monthly installments.

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For Petitioner : Mr.L.Jeen Felix
for Mr.T.K.S.Gandhi

For Respondent : Mr.N.Dilipkumar
Senior Standing Counsel

ORDER

In this Writ Petition, the petitioner has challenged the impugned summary of the order creating a demand under the existing laws under Form GST DRC-07A, dated 26.08.2021, in respect of arrears of tax on self-assessment under the provisions of the Central Excise Act, 1944, for the period between February, 2015 and June, 2017.

2. The demand itself is based on the self-assessment made by the petitioner under Rule 6 of the Central Excise Rules, 2002 read with the Central Excise Act, 1944. Earlier, the petitioner appears to have approached the designated authority under the Sabka Vishwas (Legacy Disputes Resolution) Scheme, 2019 as announced by the Central Government by the Finance Act 2 of 2019. However, the petitioner failed to pay the admitted liability before the authorities and thus, could not take



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the advantage of the amnesty under the scheme. It appears that a sum of

Rs.1,46,79,069/- is due and payable by the petitioner towards tax, interest

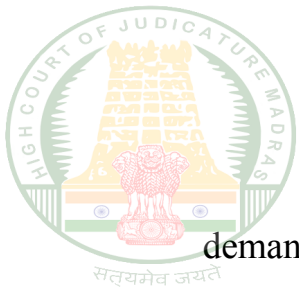
and penalty as detailed below:-

Act	Tax	Interest	Penalty	Fee	Others	Total
Central Acts	61,59,396	48,42,393	36,77,280	0	0	1,46,79,069/-
State/ UT Acts	-	-	-	-	-	-
CST Act	-	-	-	-	-	-

3. The learned Senior Standing Counsel for the respondent submits that the petitioner has paid a sum of Rs.25,00,000/- as against the above said amount on the following dates:-

Date	Amount
10.03.2022	Rs.10,00,000
05.04.2022	Rs.10,00,000
20.04.2022	Rs.5,00,000
Total	Rs.25,00,000

Thus, a sum of Rs.1,21,79,069/- [Rs.1,46,79,069 – Rs.25,00,000] is due and payable by the petitioner as against the amount that has been



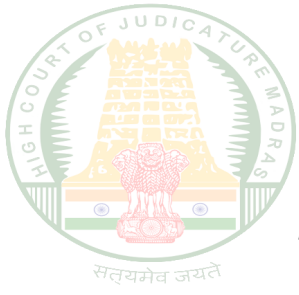
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demanded from the petitioner by invoking the powers under Section 142(8) of CGST Act, 2017 read with Rule 142(A)(1) of the CGST Rules, 2017.

4. It appears that the petitioner is a Manufacturing Company, which has accumulated loss and was unable to discharge the tax liability under the old regime. The attempt of the petitioner to discharge part of the liability on the above dates stands recorded.

5. Considering the fact that there is no other dispute barring the amount to be recovered from the petitioner, I am inclined to exercise the discretion partly in favour of the petitioner, by directing the petitioner to pay the balance amount in 12 equated monthly installments starting from 01.08.2024 ending with 01.07.2025.

6. In case, the petitioner fails to discharge the liability as ordered above, the respondent is at liberty to proceed against the petitioner in accordance with law by attaching the properties of the petitioner and bringing it to sale and through other modes.



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7. This Writ Petition stands disposed of with the above observation.

WEB COPY No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

03.07.2024

To

The Assistant Commissioner of Central GST
and Central Excise,
No.130/8-1, Kutchery Road,
Virudhunagar - 626 001.



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C.SARAVANAN, J.

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