



W.P.Nos.6704 & 6705 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.6704 & 6705 of 2023

M/s.Noordeen Enterprises
(Represented by its Proprietor Shri.Shahul Hameed Niaz)
Valugalambedu
Kundrathur Road
Tirumudivakkam
Chennai-600 132.

... Petitioner
in W.P.No.6704 of 2023

M/s.MNS Enterprises
(Represented by its Proprietor Shri.Sheik Dawood)
6/12, Maduvankarai, 1st Street
Alandur, Chennai-600 016.

... Petitioner
in W.P.No.6705 of 2023

Vs

1. The Additional Director General
Directorate of GST Intelligence
Tower-II, BSNL Building
Greams Road
Chennai-600 006.
2. The Additional Commissioner of CGST
South Commissionerate
MHU Building, 692, Anna Salai
Nandanam, Chennai-600 035.

... Respondents
in both WPs

Writ Petition No.6704 of 2023 filed under Article 226 of The Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent to issue a “No Objection Certificate” for the petitioner to receive his entitled payments from his customers.



W.P.Nos.6704 & 6705 of 2023



Writ Petition No.6705 of 2023 filed under Article 226 of The Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent to issue a “No Objection Certificate” for the petitioner to receive his entitled payments from his customers.

For Petitioner
in both WPs: Mr.G.Natarajan

For Respondents
in both WPs: Mr.Sai Srujan Tayi
Senior Panel Counsel

COMMON ORDER

In these writ petitions, the respective petitioner has requested for a direction to the first respondent to issue a “No Objection Certificate” in relation to receipt of payments by the respective petitioner from persons to whom the such petitioner supplied goods.

2. Learned counsel for the respective petitioner contends that letters were issued by the respondents to customers of the respective petitioner, who were liable to make payment to the respective petitioner in respect of goods supplied to them by such petitioner. One such customer was Sumangala Steel Private Limited (Sumangala Steel). Upon receipt of a letter from the respondents, the said customer remitted a sum of Rs.15 lakhs to the GST authorities. This was the subject of challenge in W.P.No.20067 of 2021, wherein the petitioner therein, MNS Enterprises, represented by its proprietor, Mr. Sheik Dawood, sought refund of amounts recovered from said petitioner’s customers. Learned



counsel points out that said writ petition was disposed of on 04.03.2022 by recording express findings that such recovery could not have been made either under Section 79 or 83 of the applicable GST enactments. In view thereof, he contends that the respondents are liable to withdraw such letters forthwith.

3. In response, Mr.Sai Srujan Tayi, learned counsel, relies on the counter affidavit in W.P.No.6704 of 2026 to contend that said petitioner addressed a letter to Sumangala Steel directing said customer to make payment to the Government GST account by way of discharge of amounts due and payable to said petitioner. A sum of Rs.15 lakhs was remitted by Sumangala Steel pursuant thereto. He also adds that said petitioner did not file an application under Section 54 of the applicable GST enactments seeking refund pursuant to the directions in the earlier writ petition.

4. From the counter affidavit of the respondents, it is clear that a communication was addressed by DGGI Chennai Zonal Unit to Sumangala Steel. At that time the said communication was issued, a tax proposal had been made, but the same had not crystallised into a tax liability. In those circumstances, by order dated 04.03.2022, this Court recorded findings that neither Section 79(1)(c) nor Section 83 could have been pressed into service. Therefore, the petitioner therein was granted leave to apply for refund under Section 54. For reasons difficult to discern, said petitioner did not adopt this course of action.



5. The respective petitioner asserts that letters were also addressed by the respondents to other customers. Copies of such letters have not been filed. It is submitted on behalf of the respective petitioner that such copies are not available with said petitioner.

6. Meanwhile, orders imposing tax and related liabilities have been issued on 28.03.2023. Such orders are the subject matter of separate writ petitions.

7. Considering the above facts and circumstances, these Writ Petitions are disposed of on the following terms:

(i) Any letters issued by the respondents to customers of the respective petitioner, prior to the issuance of the order-in-original determining the tax liability of said petitioner, are invalid and cannot be the basis for further action;

(ii) This is, however, without prejudice to the right of the respondents to initiate appropriate action for recovery, including by recourse to Section 79(1)(c) of applicable GST enactments pursuant to the orders-in-original; and

(iii) There shall be no order as to costs.

03.06.2026

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

1. The Additional Director General
Directorate of GST Intelligence
Tower-II, BSNL Building
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2. The Additional Commissioner of CGST
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SENTHILKUMAR RAMAMOORTHY J.

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**03.06.2026
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