



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**WP No. 30310 of 2026
and WMP.Nos.33266 & 33268 of 2026**

Tvl. Bharatham Stores
Represented by its Proprietor
Malathy Jeevanandan,
366, Arcot Road,
Chennai, Tamil Nadu-600 026.

..Petitioner

Vs

Assistant Commissioner (ST)
Vadapalani Assessment Circle,
1, PAPJM Buildings (Annex), Ground Floor,
Greens Road, Chennai-6.

..Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records in GSTIN No. 33AAPPJ0133L1ZT/2019-20 on the files of the Respondent and quashing the impugned order dated 16-02-2026 with the reference no. ZD3302261349966 for the FY 2019-20 passed by the Respondent as arbitrary.

For Petitioner:

Mr. Kabil Dev S

For Respondent:

Mr.I.Dinesh
Additional Government Pleader (Tax)

ORDER

Proceedings were initiated against the petitioner in respect of two issues, namely reversal of Input Tax Credit (ITC) on non-business transactions and



excess ITC claimed. As regards the first issue, after considering the petitioner's reply, the tax proposal was dropped. As regards the second issue, upon consideration of the petitioner's reply and related documents, the proposal was dropped in respect of Shankar Enterprises, Sri Venkateswara Agency and M/s. Rani Chairs, whereas it was confirmed in respect of Elite Enterprises and Shelvaa Marketing Private Limited.

2. Learned counsel for the petitioner submits that an opportunity be provided to the petitioner to establish that only eligible ITC was availed of.

3. Mr. I. Dinesh, learned Additional Government Pleader (Tax), accepts notice on behalf of the respondent. He submits that the petitioner's reply and all documents were duly taken into consideration and that findings were recorded on that basis. He also points out that the Supreme Court has settled the issue relating to non-payment of taxes by suppliers in *Bhandari Scrap Traders v. Union of India & others*, SLP(C)No.23931 of 2026 (*Bhandari Scrap Traders*).

4. On perusal of the impugned order, I find that the proper officer has examined the ITC claim in relation to each supplier based on the petitioner's reply and the documents. After dropping the proposal in respect of supplies from Shankar Enterprises, Sri Venkateswara Agency and M/s. Rani Chairs, the proposal was confirmed in respect of Elite Enterprises and Shelvaa Marketing



Pvt. Ltd., who had defaulted or paid no taxes. In light of the judgment of the Supreme Court in *Bhandari Scrap Traders* in relation to Section 16(2)(c) of applicable GST enactments, there is no infirmity in the impugned order warranting interference.

5. Therefore, the writ petition is dismissed without any order as to costs. This order will not stand in the way of the petitioner claiming ITC once payments are made by the defaulting suppliers. Consequently, connected miscellaneous petitions are closed.

13-08-2026

Index : Yes/No

Neutral Citation : Yes/No

KJ

To

Assistant Commissioner (ST)
Vadapalani Assessment Circle,
1, PAPJM Buildings (Annex), Ground Floor,
Greens Road, Chennai-6.



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SENTHILKUMAR RAMAMOORTHY, J.

KJ

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