



WEB COPY



W.P.No.9642 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.03.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.9642 of 2020

M/s.Sugan Clothing
Represented by its Proprietor
Gaurav Jain
15, Arcot street
T.Nagar, Chennai-600017

... Petitioner

Vs

1.Assistant Commissioner of GST & CE
Nungambakkam Division,
Chennai North Commissionerate
No.26/1, Mahathma Gandhi Road,
Nungambakkam, Chennai-34

2.Joint Commissioner of GST & CE
Nungambakkam Division,
Chennai North Commissionerate
No.26/1, Mahathma Gandhi Road,
Nungambakkam, Chennai-34

3.Principal Commissioner of GST & CE
Chennai North Commissionerate
No.26/1, Mahathma Gandhi Road,
Nungambakkam, Chennai-34

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records on



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the file of the 2nd Respondent contained in the impugned order bearing C.No:IV/16/06/2019-Comp (DIN:20200359TK00006C81A9) dated 05.03.2020 and to quash the same as arbitrary, unjust and illegal and to consequently direct the 3rd Respondent to allow the Petitioner to File Form GST TRAN-2 to claim input tax credit totaling to Rs.46,491/- on goods held in stock in relation to which invoices/duty paying documents are not available.

For Petitioner : Mr.P.Rameshkumar

For Respondent : Mr.Rajendra Ragavan

ORDER

The petitioner is an assessee under the provisions of the Central Goods and Services Tax Act, 2017 (in short 'Act') and challenges an order passed by the 2nd respondent dated 05.03.2020 rejecting the request for amendment of TRAN-1.

2. I am of the considered view that the petitioner has categorically missed the bus, seeing as the judgment of the Hon'ble Supreme Court in the case of *Union of India and another v. Filco Trade Centre Pvt. Ltd. and another* (SLP (C) Nos.32700 – 32710 of 2018 dated 22.07.2022 has granted a window as a final opportunity for correction of all errors arising from filing of TRAN-1 and 2.

3.The petitioner, being an assessee for the purposes of the Act would/should, no doubt had been aware of all these developments and should



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have availed of the same in time. Substantial efforts were taken by the Registry of this Court as well as by the revenue authorities in listing those matters that related to amendment of TRAN-1 and 2 during the period when the benefit under the aforesaid judgment was operative, till 30.11.2022.

4.However, the primary responsibility for the same lies in the hands of the petitioner and as on date it is too late. The impugned order is hence confirmed and this writ petition, dismissed. No costs.

09.03.2023

vs

Index : Yes / No

Speaking Order

Neutral citation:Yes

To

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Dr.ANITA SUMANTH,J.

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