IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.20767 of 2023 and W.P.Nos.19968, 23503, 23712, 23847, 23850, 25060 & 25067 of 2022
and
W.M.P.No.20145 & 20146 of 2023 and W.M.P.Nos.19263, 19264, 22462, 22464, 22831, 22833, 22839, 22840, 22650, 22652, 24007, 24008, 24021 and 24023 of 2022

W.P.No.20767 of 2023:

Tvl.New Royal Traders,
Represented by its Proprietor Mr.S.Peer Mohamed. ... Petitioner

Vs.

The Assistant Commissioner RAL,
Alandur Assessment Circle,
I.C.T & R.D Buildings, [South Tower],
Nandanam,
Chennai – 35. ... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari to call for the records in the files of the respondent email communication dated 16.06.2023 in GSTIN 33AHNPP6263C2ZA and quash the same as illegal, invalid, against the law and violated the principles of natural justice.

For Petitioners (in all W.Ps.)	:	Mr.D.Vijayakumar
For Respondent in W.P.Nos.20767 of 2023 W.P.Nos.25067,23847, 23503,23850,23712 & 25060 of 2022	:	Mr.Haja Nazirudeen Additional Advocate General I for Mr.M.Venkateswaran Special Government Pleader Assisted by Mr.P.Haribabu Government Advocate
in W.P.No.19968 of 2022	:	Mr.K.Umesh Rao Senior Standing Counsel

COMMON ORDER

By this common order all the eight writ petitions are being disposed of.

2. The Input Tax Credit of the petitioners have been blocked. Date of Block of Input Tax Credit are as under:-

S.No.	W.P.No.	Petitioner	ITC Amount	ITC Blocking Date	Completion of One Year
1.	20767 of 2023	Tvl.New Royal Traders	37,71,590	16.06.2023 15.06.2024	Assessment Order passed on 08.08.2023
2.	19968 of 2022	A.R.Steel Traders	5,42,963	12.07.2022	11.07.2023
3.	25067 of 2022	Tvl.Sri Meenakshi Industries	15,14,682	12.07.2022	11.07.2023
4.	23847 of 2022	Tvl.Time Steel Traders	26,57,984	12.08.2022	11.08.2023
5.	23503 of 2022	Tvl.Farseen Steels	3,16,106	12.08.2022	11.08.2023
6.	23850 of 2022	Tvl.S.S.Metals	14,46,630	12.08.2022	11.08.2023
7.	23712 of 2022	Tvl.New Royal Traders	65,11,514	12.08.2022	11.08.2023
8.	25060 of 2022	Tvl.R.J.Steels	5,08,786	25.08.2022	24.08.2023

3. In so far as the writ petitions at Sl.No.2 to 8 in the above table are concerned, it is noticed that the one year period prescribed under Rule 86A(3) of the CGST Rules has expired. Therefore, the credit that was blocked has to be unblocked.

4. The learned Additional Advocate General I for the respondent has also confirms the same. Recording the same, the Writ Petitions in **W.P.Nos.19968, 25067, 23847, 23503, 23850, 23712 and 25060 of 2022** stands closed. No costs. Consequently, connected miscellaneous petitions are closed. The respondents shall unblock the credit. However, liberty is given to

the respondents to issue notice under Section 73/74 of the TNGST Act, 2017 as the case may be.

5. As far as the writ petition at Sl.No.1 to the above table is concerned, the credit of Rs.37,71,590/- was blocked on 16.06.2023. The last date for due under 86A(3) of the CGST Rules will expire only on 15.06.2024. Meanwhile, the respondent has passed an Assessment Order on 08.08.2023.

6. The learned counsel for the petitioner submits that petitioner proposes to file an appeal against the aforesaid order dated 08.08.2023. It appears that the amount that was blocked is the amount which has been confirmed in the Assessment Order dated 08.08.2023.

7. Considering the fact that the petitioner proposes to file an appeal before the Appellate Authority, liberty is given to the petitioner to deposit 10% of the amount confirmed vide order dated 08.08.2023 through electronic cash register. The petitioner shall also file an appeal against the aforesaid order within a period time prescribed under Section 107 of the TNGST Act, 2017.

8. The credit amount of Rs.37,71,590/- that has been blocked shall be unblocked subject to the petitioner depositing 10% of the amount confirmed vide order dated 08.08.2023. It is made clear that if the petitioner fails to file an appeal within the statutory period prescribed under Section 107 of the TNGST Act, 2017, the respondent is at liberty to block the aforesaid credit amount that may be lying unutilized in the electronic credit ledger of the petitioner.

9. The Writ Petition Stands closed with the above liberty. No cost. Consequently, connected miscellaneous petitions are closed.

13.09.2023

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

rgm

Note: Issue Order Copy on 14.09.2023

C.SARAVANAN, J.

rgm

To

The Assistant Commissioner RAL,
Alandur Assessment Circle,
I.C.T & R.D Buildings, [South Tower],
Nandanam,
Chennai – 35.

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