



W.P.No.31024 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2024

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.31024 of 2024
& W.M.P.Nos.33637 & 33638 of 2024

Pradeepa Enterprises,
Rep by its Proprietrix Mrs. Muruga Chitra,
10/28, Tirumalai Street,
Venkateswara Nagar,
Chennai 600 053.

... Petitioner

Vs.

1.The Assistant Commissioner (ST),
Thirumullaivoyal Assessment Circle,
Ist Floor, Room No.115,
Integrated Commercial Taxes Offices Building,
Chennai North Division,
No.32, Elephant Gate Bridge Road, Vepery,
Chennai 600 003.

2.The Joint Commissioner (ST),
Chennai North Division,
Ist Floor, Room No.115,
Integrated Commercial Taxes Offices Building,
Chennai North Division,
No.32, Elephant Gate Bridge Road, Vepery,
Chennai 600 003.

... Respondents



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Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order in Ref.No.ZA3310230232939 dated 06.10.2023 passed by the 1st respondent and the consequential rejection order bearing Ref.No.ZA3305242480280 dated 27.05.2024 passed by the 2nd respondent and quash the same as arbitrary, illegal.

For Petitioner : Mr.S.Ramanan

For Respondent : Ms.K.Vasanthamala,
Government Advocate

ORDER

This writ petition has been filed challenging impugned order dated 06.10.2023 and the rejection order dated 27.05.2024 passed by the respondents.

2. Ms.Amirta Poonkodi Dinakaran, learned Government Advocate, takes notice on behalf of the respondent. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.



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3. The learned counsel for the petitioner would submit that due to the due to the ill-health, the petitioner had not filed the GST returns for a period of 6 months. Under these circumstances, the GST Registration of the petitioner was cancelled by the respondent vide order dated 06.10.2023. Aggrieved over the said order, the petitioner had filed an application for revocation of cancellation of Registration on 23.01.2024, however, the same was rejected by the 2nd respondent vide rejection order dated 27.05.2024.

4. Further, he would submit that the petitioner is willing to file his GST returns and pay the entire tax liabilities along with applicable interest and penalty, if any. Hence, he requests this Court to revoke the order passed by the respondent for cancellation of GST Registration of the petitioner.

5. In reply, the learned Government Advocate for the respondent confirms that the GST registration of the petitioner was cancelled by the respondent vide impugned order dated 06.10.2023 and requests this



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Court to pass an appropriate order.

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6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent and also perused the materials available on record.

7. In this case, the GST registration of the petitioner was cancelled by the respondent vide the impugned order dated 06.10.2023. According to the petitioner, due to his ill-health, he was unable to run his business and hence, he had failed to file his returns continuously for a period of 6 months. Further, the application filed by the petitioner for revocation of cancellation of registration was also rejected vide order dated 27.05.2024. The reason provided for non-compliance with the relevant provisions of the Act within the prescribed time, in the considered opinion of this Court, appears to be genuine.

8. In view of the above, this Court is inclined to revoke the



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impugned order passed by the respondent canceling the GST registration of the petitioner. Accordingly, the impugned order dated 06.10.2023 and the rejection order dated 27.05.2024 are hereby set aside. The cancellation of registration is hereby revoked, subject to the fulfillment of the following conditions:

(i) The respondent shall take suitable steps by instructing GST Network, New Delhi to make suitable changes in the architecture of the GST Web portal to allow the petitioner to file the returns and to pay the tax/penalty/fine, within a period of four weeks therefrom.

(ii) The petitioner is directed to file returns for the period till date, if not filed, together with tax dues along with interest thereon and the fee fixed for belated filing of returns within a period of 4 weeks from the date of restoration of GST Registration of the petitioner.

(iii) It is made clear that such payment of tax, interest, fine/fee etc. shall not be allowed to be made or adjusted from and out of any Input Tax Credit (ITC) which may be lying unutilized or unclaimed in the hands of the petitioner.

(iv) If any ITC has remained unutilized, it shall not be utilised until it is scrutinized and approved by an



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appropriate or competent officer of the Department.

(v) Only such approved ITC shall be allowed to be utilized thereafter for discharging future tax liability under the Act and Rules.

(vi) If any ITC was earned, it shall be allowed to be utilised only after scrutinising and approving by the respondent or any other competent authority.

(vii) If any of the aforesaid conditions is not complied with by the petitioner, the benefit granted under this order will automatically ceased to operate.

9. With the above directions, this writ petition is disposed of. No cost. Consequently, the connected miscellaneous petitions are also closed.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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KRISHNAN RAMASAMY.J.,

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