



W.P.(MD) No.18203 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.18203 of 2024

Dhanushkodi Raja Rengarajan.

... Petitioner

Vs.

The Commercial Tax Officer,
Chokkikulam Assessment Circle,
Commercial Taxes Buildings,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the respondent in Reference No.ZA331023252737Q dated 30.10.2023 and to quash the same as illegal, arbitrary and direct the respondent to revoke the cancellation of petitioner's GSTN Registration No.33AFQPR8712M1ZR.

For petitioner : Mr.N.Sudalaimuthu

For respondent : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional



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Government Pleader for the respondent.

2. The petitioner is before this Court against the impugned order passed in GST REG 19 dated 30.10.2023 cancelling the Registration of the petitioner with effect from 16.10.2023.

3. The impugned order that preceded the show cause notice dated 16.10.2023 for failure on the part of the petitioner to file Returns in terms of Section 22(1) of the respective GST enactments.

4. The learned counsel for the petitioner submits that the issue is no longer *res integra* on the benefit of the decision of this Court in the case of ***Tvl.Suguna Cutpiece Center Vs. Appellate Deputy Commissioner (ST) (GST) and others, in W.P.Nos.25048, 25877, 12738 of 2021 and etc., batch (decided on 31.01.2022)***, wherein this Court had ordered as follows:

“229. In the light of the above discussion, these Writ Petitions are allowed subject to the following conditions:-

i. The petitioners are directed to file their returns for the period prior to the cancellation of registration, if such returns have not been already filed, together with tax defaulted which has not



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been paid prior to cancellation along with interest for such belated payment of tax and fine and fee fixed for belated filing of returns for the defaulted period under the provisions of the Act, within a period of forty five (45) days from the date of receipt of a copy of this order, if it has not been already paid.

ii. It is made clear that such payment of Tax, Interest, fine / fee and etc. shall not be allowed to be made or adjusted from and out of any Input Tax Credit which may be lying unutilized or unclaimed in the hands of these petitioners.

iii. If any Input Tax Credit has remained utilized, it and etc. batch shall not be utilised until it is scrutinized and approved by an appropriate or a competent officer of the Department.

iv. Only such approved Input Tax Credit shall be allowed for being utilized thereafter for discharging future tax liability under the Act and Rule.

v. The petitioners shall also pay GST and file the returns for the period subsequent to the cancellation of the registration by declaring the correct value of supplies and payment of GST shall also be in cash.

vi. If any Input Tax Credit was earned, it shall be allowed to be utilised only after scrutinising and approving by the respondents or any other competent authority.

vii. The respondents may also impose such restrictions / limitation on petitioners as may be warranted to ensure that there is no undue passing of Input Tax Credit pending such exercise and to ensure that there is no violation or an attempt to do bill trading by taking advantage of this order.

viii. On payment of tax, penalty and



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uploading of returns, the registration shall stand revived forthwith.

ix. The respondents shall take suitable steps by instructing GST Network, New Delhi to make and etc. batch suitable changes in the architecture of the GST Web portal to allow these petitioners to file their returns and to pay the tax/penalty/fine.

x. The above exercise shall be carried out by the respondents within a period of thirty (30) days from the date of receipt of a copy of this order.

xi. No cost.

xii. Consequently, connected Miscellaneous Petitions are closed.”

5. Having considered the learned counsel for the petitioner and learned Additional Government Pleader for the respondent, the Court is inclined to allow the petitioner subject to the petitioner complying with the directions of this Court in ***Suguna Cut Piece***'s case (cited supra).

This Writ Petition is allowed with above directions. No costs.

Index : Yes / No

Internet : Yes / No

apd

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C.SARAVANAN, J.

apd

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