IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.8912 of 2025
& W.M.P.No.10009 of 2025

Ashokkumar V,
Proprietor of M/s.Happy Mobiles,
No.233/905, 1st Cross Street,
Near MGR Silai, Avarankadu,
Pallipalayam,
Tiruchengode 638 006

... Petitioner

Vs.

1.The State Tax Officer,
Tiruchengode Rural Circle,
Goods and Services Tax,
Tiruchengode

2.The Assistant Commissioner (Circle),
Tiruchengode Rural.

... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records and proceedings of the impugned order dated 25.09.2018 passed by the 2nd respondent in Ref.No.ZA3309188054620H and to quash the same and to direct the 1st respondent to restore the GST Registration Certificate of the petitioner in GSTIN/UIN/ZD33BCTPA8930K1ZA.

For Petitioner	:	Ms.Divya Bharathi V
For Respondent	:	Mr.V.Prashanth Kiran, Government Advocate

ORDER

This writ petition has been filed challenging impugned order dated 25.09.2018 passed by the 2nd respondent.

2. Mr.V.Prashanth Kiran, 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.

3. The learned counsel for the petitioner would submit that the petitioner, who is running a shop in the name and style of "Happy Mobiles" had entrusted an Auditor for filing the returns. However, it was advised by his Auditor that there is no requirement to pay any GST if the

aggregate revenue in the FY is below a sum of Rs.20,00,000/-. Hence, 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 25.09.2018.

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 appearing for the respondent confirms that the GST registration of the petitioner was cancelled by the respondent vide impugned order dated 25.09.2018 and requests this Court to pass an appropriate order.

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 25.09.2018. According to the petitioner, it was advised by his Auditor that there is no requirement to pay any GST if the aggregate revenue in the FY is below a sum of Rs.20,00,000/- and hence, the petitioner had not filed the GST returns for a period of 6 months. 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 impugned order dated 25.09.2018 passed by the respondent canceling the GST registration of the petitioner. 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 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.

01.04.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
nsa

To

1.The State Tax Officer,
Tiruchengode Rural Circle,
Goods and Services Tax,
Tiruchengode

2.The Assistant Commissioner (Circle),
Tiruchengode Rural.

KRISHNAN RAMASAMY.J.,

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