



WEB COPY

WP No. 9156 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-03-2025

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THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 9156 of 2025

AND

WMP NO. 10259 OF 2025

M/S.MSK Agency
Rep By P.Irfan Ahmed, Proprietor,
Tharaikadu, Navali Shop, Ethiril,
Gudiyatham, Pernambu Vellore
635810.

Petitioner(s)

Vs

The Superintendent
Guidyatham (west) Assessment Circle,
Commercial Taxes Department,
Thirupattur, Vellore District.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue Writ of Certiorarified Mandamus, calling for the records of the respondent order dated 09.11.2022 in GSTIN 33AIRPI2551H1ZA and quash the same and consequently direct the respondent to pass fresh order after giving reasonable opportunity to the petitioner.



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For Petitioner(s): Mr.K.Narayanan

For Respondent(s): Mr.B.Ramanakumar,
Senior Standing Counsel

ORDER

This writ petition has been filed challenging impugned order dated 09.11.2022 passed by the respondent.

2.Mr.B.Ramanakumar, learned Senior Standing Counsel, 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 due to the Covid-19 Pandemic and financial implications faced by the petitioner, he was forced to close his business and therefore he had not filed the GST returns from the year 2022. Under these circumstances, the GST Registration of the petitioner was cancelled by the respondent vide order dated 09.11.2022.

4. Further, he would submit that the petitioner is willing to revive his business and 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.

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5. In reply, the learned Senior Standing counsel for the respondent confirms that the GST registration of the petitioner was cancelled by the respondent vide impugned order dated 09.11.2022 and requests this Court to pass an appropriate order.

6. Heard the learned counsel for the petitioner and the learned Senior Standing Counsel appearing 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 09.11.2022. According to the petitioner, due to Covid-19 pandemic and financial implications faced by him, he was unable to run his business and hence, he had failed to file his returns continuously from the year 2022. 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 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.

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(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 petition is also closed.

20-03-2025

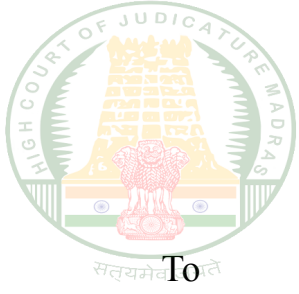
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
The Superintendent
Guidyatham (west) Assessment Circle,
Commercial Taxes Department,
Thirupattur, Vellore District.



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KRISHNAN RAMASAMY J.

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