IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 10318 of 2025
AND
WMP NO. 11630 OF 2025,WMP NO. 11629 OF 2025

T.Thandapani Nattu Marunthu Kadai
Rep By. Its proprietor Mr. Thandapani
49/3, Bazaar Road, Saidapet, Chennai,
Tamil Nadu,600015

Petitioner(s)

Vs

The Superintendent Of Gst
Range IV, Saidapet Division, 6922,
MHU Complex, Anna Salai
Nandhanam, Chennai-600 035.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, to call for the records of Impugned Order dated 04.01.2023 issued by the respondent having Reference No. ZA3301230127543 to quash the same as arbitrary and illegal and consequently direct the respondent to restore the GST registration No. 33AEPPT2249R1ZM.

For Petitioner(s): Mr.Abdul Rahman

For Respondent(s): Mr.R.P.Pragadish,
Senior Standing Counsel

ORDER

This writ petition has been filed challenging impugned order dated 04.01.2023 passed by the respondent.

2.Mr.R.P.Pragadish, 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 Covid-19 pandemic, the entire business was made to stand still position and therefore, the petitioner had not filed the GST returns within the due date. Under these circumstances, the GST Registration of the petitioner was cancelled by the respondent vide order dated 04.01.2023.

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 Senior Standing counsel for the respondent confirms that the GST registration of the petitioner was cancelled by the respondent vide impugned order dated 04.01.2023 and requests this Court to pass an appropriate order.

6.Heard the learned counsel for the petitioner and the learned Senior Standing counsel 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 04.01.2023. According to the petitioner, due to Covid-19 pandemic, the entire business was made to stand still position and therefore, the petitioner had not filed the GST returns within the due date. 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 from the date of receipt of a copy of this order.
>
> (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.

25-03-2025

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

rst

To

The Superintendent Of Gst
Range IV, Saidapet Division, 6922,
MHU Complex, Anna Salai
Nandhanam, Chennai-600 035.

KRISHNAN RAMASAMY J.

rst

WP No. 10318 of 2025
AND
WMP NO. 11630 OF 2025,
WMP NO. 11629 OF 2025

25-03-2025