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W.P.No.12299 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.04.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.12299 of 2025

and

W.M.P.No.13881 of 2025

Krish Refrigeration

Rep. by its Proprietor, Mr.K.Saravanan

...Petitioner

Vs.

The Assistant Commissioner

J.J.Nagar Assessment Circle

Central II Zone, Chennai Central Division,

Chennai North Commissionerate.

...Respondent

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records of the respondent's order dated 02.02.2022 in Ref.No.ZA3302220059225 and to quash the same and consequently, to direct the respondent to revoke the cancellation of the GST registration of the petitioner's Firm.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.V.Prashanth Kiran

Government Advocate (T)

Order

Heard Mr.P.Suresh Babu, learned counsel appearing for the petitioner and Mr.V.Prashanth Kiran learned Government Advocate (T)



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who takes notice on behalf of the respondent. With consent, the main Writ

Petition is taken up for final disposal at the stage of admission itself.

2. The challenge in this Writ Petition is to the order passed by the respondent dated 02.02.2022 and to quash the same and consequently, to direct the respondent to revoke the cancellation of the GST registration of the petitioner's Firm.

3. The learned counsel for the petitioner would submit that due to introduction of GST Act, many issues had cropped up on the rate of tax, procedures in payment of taxes and filing of returns, and that there were confusion, hence, the petitioner could not concentrate and fully understand the subject due to his ill-health and further, the petitioner has no turn over over and above Rs.20 lakh and hence, returns were not filed, under these circumstances, the GST Registration of the petitioner was cancelled by the respondent vide the impugned order dated 02.02.2022. However, the learned counsel submits that the petitioner is willing to file his GST returns and pay the entire tax liabilities along with applicable interest and penalty, if



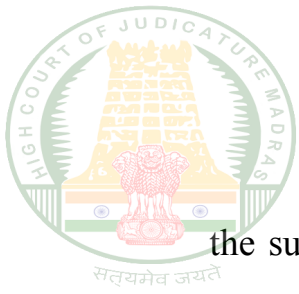
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any, hence, prays this Court to revoke the order passed by the respondent for cancellation of GST Registration of the petitioner.

4. The learned Government Advocate (T) for the respondent while confirming that the GST registration of the petitioner has been cancelled by the respondent vide impugned order dated 02.02.2022 fairly submits that since the petitioner has come forward to pay the entire tax liabilities, the prayer sought for by the petitioner may be considered.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (T) for the respondent and also perused the materials available on record.

6. In this case, the GST registration of the petitioner was cancelled by the respondent vide the impugned order dated 02.02.2022 . According to the petitioner, subsequent to the introduction of GST Act, many issues had cropped up on the rate of tax, procedures in payment of taxes and filing of returns, and hence, the petitioner could not concentrate and fully understand



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the subject due to his ill-health and further, the petitioner has no turn over over and above Rs.20 lakh and hence, returns were not filed, under these circumstances, the GST Registration of the petitioner was cancelled by the respondent vide the impugned order dated 02.02.2022 . The reason provided for non-filing of returns, in the considered opinion of this Court, appears to be genuine.

6.1 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 petitioner is directed to file returns for the subject 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.

(ii) 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.



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(iii) 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.

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

(v) If any ITC was earned, it shall be allowed to be utilized only after scrutinisation and approval by the respondent or any other competent authority.

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

7. With the above directions, this writ petition is disposed of. No cost. Consequently, the connected miscellaneous petition is closed.

04.04.2025

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To
The Assistant Commissioner
J.J.Nagar Assessment Circle
Central II Zone, Chennai Central Division,
Chennai North Commissionerate.

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Krishnan Ramasamy,J.,

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