IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :08.04.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.12602 of 2025 &
W.M.P.Nos.14189 and 14190 of 2025

M/s.Meracon Infrastructures (Defunct)
Represented by the Partner, Arvinth Gopalakrishnan
21, Palaniappa Street, Erode,
Tamil Nadu- 638 001. ... Petitioner

Vs.

The Assistant Commissioner
Brough Road,
Erode-638 001. ... 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 relating to the impugned order for cancellation of registration vide Form GST REG-19 bearing Ref.No:ZA3306242396596 dated 28.06.2024 issued by the Respondent and quash the same, and further direct the Respondent to restore the GST registration of the petitioner vide GSTIN-33ABEFM9484H1ZX and pass further orders.

For Petitioner : Ms.R.Hemalatha

For Respondent : Ms.P.Selvi (Taxes)
Government Advocate

ORDER

The challenge in this writ petition is to the order dated 28.06.2024 passed by the respondent, cancelling the GST registration of the petitioner.

2. Ms.P.Selvi, learned Government Advocate (Taxes), takes notice on behalf of the respondent.

3. By consent of the parties, the main Writ Petition is taken up for disposal at the time of admission stage itself.

4. The learned counsel for the petitioner submitted that the Petitioner is a registered tax payer under the GST enactments and the petitioner has authorised their local tax consultant to file GST returns regularly, however, due to ill health,the Petitioner's consultant could not file the returns for the continuous period of 6 months. Consequently, the respondent issued a show cause notice on 05.09.2023, proposing the cancellation of the GST registration for non-filing of returns for a continuous period of six months, and subsequently passing an order of cancellation on

28.06.2024. The learned counsel for the petitioner further submits that since the petitioner's consultant to whom the petitioner entrusted the work relating to GST was hospitalized at the relevant point of time, he was not aware of the show cause notice and hence failed to submit the reply, which resulted in passing of the impugned order. He therefore prays to set aside the same.

5. On the other hand, the learned Government Advocate (Taxes) appearing for the respondent submitted that the petitioner did not file returns for a continuous period of six months, which led to the passing of the impugned order. He further submitted that the revocation of the cancellation of registration will be considered only upon payment of all dues and filing of all returns.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Admittedly, the GST registration of the petitioner was cancelled due to non-compliance in filing returns. Furthermore, the petitioner stated that due to the ill health of the petitioner's consultant, they could not pay GST

dues and file the returns. Therefore, this Court is of the view that the reason provided by the petitioner for non-compliance with the relevant provisions of the Act within the stipulated time appears to be genuine.

8. In view of the above, restoration of the GST registration is subject to and conditional upon fulfilling 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 scrutinizing 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.

KRISHNAN RAMASAMY.J.,

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9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08.04.2025

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To

The Assistant Commissioner
Brough Road, Erode-638 001.

W.P.No.12602 of 2025