IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 19799 of 2025
and
WMP Nos.22242 & 22243 of 2025

1. Tvl.M.R. Construction,
Represented by its proprietor Raju,
No.11A, NA, Somasundaram Nagar,
Krishnadoss Road, Chennai

Petitioner(s)

Vs

1. The Deputy Commercial Tax Officer
Purasaivakkam Assessment circle,
Chennai Central II,
PAPJN Annex building, 3rd floor,
No. 1, Greams Road,
Chennai 600 006.

Respondent(s)

PRAYER : This writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 14.02.2025 vide Reference No. ZD330225137394L bearing GSTIN 33AGCPR8200K1ZG, pertaining to FY 2020-21 issued by the respondent as arbitrary and quash the same, and further directing the respondent to grant 2 years time to me to pay the interest and penalty, and to pass further orders as this Court may deem fit.

For Petitioner(s): Ms.B.Mitra

For Respondent(s): Mr.V.Prasanth Kiran,
Government Advocate (Tax)

ORDER

Mr.V.Prashanth Kiran, learned Government Advocate (Tax), takes notice on behalf of the respondent.

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

3. Challenge in this writ petition has been made against the impugned order dated 14.02.2025 vide Reference No. ZD330225137394L bearing GSTIN 33AGCPR8200K1ZG, pertaining to FY 2020-21 issued by the respondent as arbitrary and quash the same and further direct the respondent to grant 2 years time to pay the interest and penalty.

4. Though the challenge has been made against the impugned order, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the entire tax dues have already been paid and only the interest and penalty, which amount to Rs.12,79,022/- alone, remain, for which the petitioner requires time. The petitioner is ready and willing to pay the said amount and a period of two years would be sufficient for making the payment.

5. The learned Government Advocate (Tax) appearing for the respondent submitted that in the event the petitioner is unable to pay the amount, or if he requires additional time for making the payment, he can very well file a petition under Section 80 of the GST Act instead of filing the present writ petition.

6. Considering the submission made by both the petitioner and the respondent, and the petitioner;s request for granting time to pay the interest and penalty, this Court observes that even if the parties are relegated to approach the authorities by filing a petition under Section 80, it would only result in duplication of work and unnecessary wastage of official time, especially since the matter has already been heard. While passing the order, this Court is inclined to grant a reasonable opportunity of time, considering the submissions made. In the event this Court is satisfied with the reasons assigned by the petitioner that the delay in payment was solely due to financial constraints and not with any malafide intention, the same can be considered as a valid ground for granting time to pay the penalty as sought.

7. Considering the reason assigned by the petitioner, this Court is inclined to set-aside the impugned order with terms, by issuing the following directions:-

i) The impugned order dated 14.02.2025 passed by the respondent is set aside.

ii) The petitioner is granted a period of 12 months to make the payment.

Iii) The petitioner shall pay a sum of Rs.1,00,000/-(Rupees One Lakh only) on or before the 10th day of every month.

iv) The first installment shall be paid on or before 10th July at Rs.1,79,022/-(Rupees one lakh seventy nine thousand and twenty two only).

v) All remaining installments shall be paid at Rs.1,00,000/-(Rupees one lakh) each month.

vi) In the event of any default in payment of installments as per the order of this Court , the respondent is at liberty to proceed with the recovery proceedings.

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

04-06-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
To
1.The Deputy Commercial Tax Officer
Purasaivakkam Assessment circle, chennai
central II, PAPJN Annex building 3rd floor
no. 1 Greams Road, chennai 600 006.

KRISHNAN RAMASAMY J.

mrp

W.P.No.19799 of 2025

04.06.2025.