IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.06.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.21408 of 2025
& W.M.P.No.24165 of 2025

Perumal Kannan

... Petitioner

Vs.

1.The Deputy Commissioner
CTVellore, Tamil Nadu

2.The Commercial Tax Officer
Tindivanam, Tamil Nadu.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Order for Cancellation of Registration vide Form GST REG -19 bearing Ref. No ZA330123032817V dated 07.01.2023 passed by the 2nd Respondent along with consequential proceeding of acknowledgment for submission of appeal in FORM GST APL-02 vide ref no. ZD330425219203V dated 29.04.2025 passed by the 1st Respondent and quash the same, further direct the 2nd Respondent to restore the GST registration of the Petitioner vide GSTIN 33CTJPK2994P1ZW

For Petitioner : Mr.N.Prashanth

For Respondent : Ms.K.Vasanthamala, GA

ORDER

This writ petition has been filed challenging impugned order dated 07.01.2023 and consequential appeal rejection order dated 29.04.2025 passed by the respondent.

2. Ms.K.Vasanthamala, learned Government Advocate, 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 Accountant's health issues, the GST returns of the petitioner was not filed for a period of 6 months. Under these circumstances, the GST Registration of the petitioner was cancelled by the respondent vide order dated 07.01.2023. Aggrieved over the said order, an appeal was

preferred by the petitioner, however, the said appeal was rejected by the respondent vide order dated 29.04.2025. Hence, this writ petition has been filed.

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 Government Advocate appearing for the respondent confirms that the GST registration of the petitioner was cancelled by the respondent vide impugned order dated 07.01.2023 and requests this Court to pass an appropriate order.

6. Heard the learned counsel for the petitioner and the learned Government Advocate 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 07.01.2023. According to the petitioner, due to ill-health of the petitioner's Accountant, he had failed to file his returns continuously for a period of 6 months. 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 quash the rejection order dated 29.04.2025 and revoke the impugned order dated 07.01.2023 passed by the respondent canceling the GST registration of the petitioner. Accordingly, the rejection order dated 29.04.2025 is quashed. Further, 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.

18.06.2025

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

To

1.The Deputy Commissioner
CTVellore, Tamil Nadu

2.The Commercial Tax Officer
Tindivanam, Tamil Nadu.

KRISHNAN RAMASAMY.J.,

nsa

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