IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 23645 of 2025
AND
WMP NO. 26604 OF 2025

Sagunthala,
Proprietor Sri Kanniammal Blue Metal,
Sri Kanniammal Blue Metal ,
No.23/2 Arpakkam Koot Road,
Kancheepuram, Tamil Nadu 631501.

Petitioner(s)

Vs

1.The Joint Commissioner,
Kanchipuram Assessment Circle,
Kancheepuram-631501.

2.The Assistant Commissioner (ST),
Kanchipuram Assessment Circle,
Kancheepuram 631501.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, calling for the records of the Respondent in Reference No. ZA330924026117P dated

04.09.2024 and quash the same and consequently direct the Respondent to revoke the cancellation of GSTIN. 33EAIPS2120F1Z1 and restore/activate the registration of the Petitioner.

For Petitioner(s): Mr.V.Haribabu
For Mr.K.Chandrasekaran

For Respondent(s): Ms.P.Selvi
Government Advocate (taxes)

ORDER

This writ petition has been filed challenging impugned order dated 04.09.2024 passed by the 2nd respondent.

2.Ms.P.Selvi, 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 the financial constraints, the petitioner had not filed the GST returns within a prescribed period. Under these circumstances, the GST Registration of the petitioner was cancelled by the respondent vide order dated 04.09.2024.

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 for the respondents confirms that the GST registration of the petitioner was cancelled by the respondent vide impugned order dated 04.09.2024 and requests this Court to pass an appropriate order.

6.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 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 04.09.2024. According to the petitioner, due to financial constraints, he was unable to run his business and hence, he had failed to file his returns within the prescribed time. 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 petition is also closed.

02-07-2025

rst

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

To

1.The Joint Commissioner,
Kanchipuram Assessment Circle,
Kancheepuram-631501.

2.The Assistant Commissioner (ST),
Kanchipuram Assessment Circle,
Kancheepuram 631501.

KRISHNAN RAMASAMY J.

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