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W.P.No.31452 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.31452 of 2025
& W.M.P.Nos.35205 & 35206 of 2025

Shabbir Bharmal
S/o Saifuddin Bharmal
Residing at 25/12, 25/12,
3rd Main Road, Alwarpet,
Chennai 600 018

... Petitioner

Vs.

1. The Assistant Commissioner
Chennai Central Zone Central III Circle
Nandanam, Commissioner of CGST and central
Excise Chennai South Commissionerate,
692, First Floor MHU Complex, Anna Salai,
Nandanam chennai 600 035

2. Superintendent T Nagar
Chennai South, Zone South II,
Circle, Nandanam MHU Complex
No 692 Anna Salai Nandanam
Chennai 35

... Respondents



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Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the records, relating to the Impugned Order dated Order dated 14.12.2023 bearing Reference Number ZA3312230564122 on the file of the 2nd Respondent and quash the same as being contrary to law and defective on the following among other grounds and consequentially direct the 2nd Respondent to forthwith restore the GSTIN/UIN 33DHMPS6740H1ZY of the Petitioner

For Petitioner : Mr.Gautham Ram Vittal Govinda Rajan

For Respondent : Ms.Revathi Manivannan, Sr.St.counsel

ORDER

This writ petition has been filed challenging impugned order dated 14.12.2023 passed by the respondent.

2. Ms.Revathi Manivannan, learned Senior Standing counsel, 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.



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3. The learned counsel for the petitioner would submit that due to financial constraints, the petitioner had not filed the GST returns for a period of 6 months. Under these circumstances, the GST Registration of the petitioner was cancelled by the respondent vide order dated 14.12.2023.

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 Senior Standing counsel appearing for the respondent confirms that the GST registration of the petitioner was cancelled by the respondent vide impugned order dated 14.12.2023 and requests this Court to pass an appropriate order.



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6. Heard the learned counsel for the petitioner and the learned Senior Standing counsel 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 14.12.2023. According to the petitioner, due to financial constraints, 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 revoke the impugned order dated 14.12.2023 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:



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(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 therefrom.

(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



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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.

22.08.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

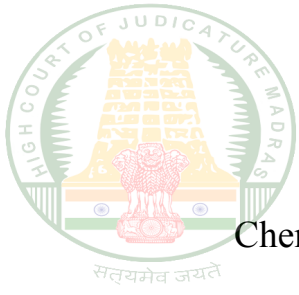
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To

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KRISHNAN RAMASAMY.J.,

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