IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 32190 of 2024

Sree Lakshmi Narashima Minerals,
Represented by its Proprietor,
A.SURIYANARAYANAN,
Ground Floor, No.279, Flat No.6,
KCP Road, Tiruvottiyur,
Chennai 600 019.

Petitioner(s)

Vs

The Commercial Tax Officer
Thiruvottiyur Assessment Circle,
Avadi Range, Tiruvallur Division,
Chennai North Commissionerate.

Respondent(s)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the respondent order dated 30.05.2023 in Reference Number:ZA330523255425P and quash the same and consequently direct the respondents to revoke the cancellation of the GST registration of the petitioner's firm.

For Petitioner(s): Mr.P. Suresh Babu

For Respondent(s): Mr.T.N.C.Kaushik,
Additional Government Pleader
(tax)

ORDER

The challenge in this Writ Petition is to the order dated 30.05.2023 passed by the respondent and to quash the same and consequently, to direct the respondent to revoke the cancellation of the GST registration of the petitioner's Firm.

2. The learned counsel for the petitioner would submit that due to introduction of GST Act, many issues had cropped up on the rate of tax, procedures in payment of taxes and filing of returns, and that there were confusion, hence, the petitioner could not concentrate and fully understand the subject, due to his ill-health and could not pay the taxes and due to this confusion, the returns were not filed, under these circumstances, the GST Registration of the petitioner was cancelled by the respondent vide the impugned order dated 30.05.2023. However, the learned counsel submits 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, prays this Court to revoke the order passed by the respondent for cancellation of GST Registration of the petitioner.

3. Mr.T.N.C.Kaushik, learned Additional Government Pleader (Tax) for the respondent while confirming that the GST registration of the petitioner has been cancelled by the respondent vide impugned order dated 30.05.2023, fairly submits that since the petitioner has come forward to pay the entire tax liabilities, the prayer sought for by the petitioner may be considered.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader (Tax) for the respondent and also perused the materials available on record.

5. In this case, the GST registration of the petitioner was cancelled by the respondent vide the impugned order dated 30.05.2023. According to the

petitioner, subsequent to the introduction of GST Act, many issues had cropped up on the rate of tax, procedures in payment of taxes and filing of returns, and hence, the petitioner could not concentrate and fully understand the subject and added to that his ill-health condition was also not good at that point of time, hence, the returns were not filed, under these circumstances, the GST Registration of the petitioner was cancelled by the respondent vide the impugned order dated 30.05.2023. The reason provided for non-filing of returns, in the considered opinion of this Court, appears to be genuine.

6. 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 petitioner is directed to file returns for the subject 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.

(ii) 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.

(iii) 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.

(iv) Only such approved ITC shall be allowed to be utilized thereafter for discharging future tax liability under the Act and Rules.

(v) If any ITC was earned, it shall be allowed to be utilized only after scrutinisation and approval by the respondent or any other competent authority.

(vi) If any of the aforesaid conditions is not complied with by the petitioner, the benefit granted under this order will automatically ceased to operate.

7. With the above directions, this writ petition is disposed of. No costs.

15-04-2025

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

To

The Commercial Tax Officer
Thiruvottiyur Assessment Circle,
Avadi Range, Tiruvallur Division,
Chennai North Commissionerate.

KRISHNAN RAMASAMY J.

jd

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