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W.P.No.37296 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.37296 of 2025

and

W.M.P.No.41738 of 2025

M/s. NDS Tractors and Firewoods,
A Proprietorship Firm,
Rep. by its Proprietor
Nandhakumar. P
No.7/142D, Tirupur Mangalam,
Vettuvapalayam,
Tiruppur – 641 670.

... Petitioner

Vs.

The Commercial Tax Officer
Avanashi, Tiruppur-I,
Tiruppur.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the respondent dated 15.11.2023 bearing Reference Number ZA331123066852Q and quash the same and consequently direct the respondent to 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 for the period from 27.04.2023 till date in respect of GSTIN Registration Number 33BLBPN4552M1ZY.



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For Petitioner : Mr.S.I.Sharukumar

For Respondent : Mr.Prashanth Kiran
Government Advocate

ORDER

This Writ Petition is being disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned Government Advocate for the respondent.

2. Both the learned counsel for the petitioner and learned Government Advocate for the respondent confirmed that issue in this writ petition is squarely covered by the decision of this Court in ***Tvl.Suguna Cut Piece Center, Represented by its Authorized Signatory V. The Appellate Deputy Commissioner (ST) (GST), Salem and another [(2022) 99 GSTR 386]***, wherein, in Paragraph Nos.227 to 229, this Court has observed as under:-

“227. This is a fit case for exercising the power under Article 226 of the Constitution of India in favour of the petitioners by quashing the impugned orders and to grant consequential relief to the petitioners. By doing so, the Court is effectuating the object under the GST enactment of levying and collecting just tax from every assessee who either supplies goods or service. Legitimate Trade and Commerce by every supplier should be allowed to be carried on subject to payment of tax and statutory compliance.



Therefore, the impugned orders deserve to be quashed.

228. These petitioners deserve a chance and therefore should be allowed to revive their registration so that they can proceed to regularize the defaults. The authorities acting under the Act may impose penalty with the gravity of lapses committed by these petitioners by issuing notice. If required, the Central Government and the State Government may also suitably amend the Rules to levy penalty so that it acts as a deterrent on others from adopting casual approach.

229. In the light of the above discussion, these Writ Petitions are allowed subject to the following conditions:-

- i. The petitioners are directed to file their returns for the period prior to the cancellation of registration, if such returns have not been already filed, together with tax defaulted which has not been paid prior to cancellation along with interest for such belated payment of tax and fine and fee fixed for belated filing of returns for the defaulted period under the provisions of the Act, within a period of forty five (45) days from the date of receipt of a copy of this order, if it has not been already paid.*
- ii. It is made clear that such payment of Tax, Interest, fine / fee and etc. shall not be allowed to be made or adjusted from and out of any Input Tax Credit which may be lying unutilized or unclaimed in the hands of these petitioners.*
- iii. If any Input Tax Credit has remained utilized, it shall not be utilised until it is scrutinized and approved by an appropriate or a competent officer of the Department.*
- iv. Only such approved Input Tax Credit*



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shall be allowed for being utilized thereafter for discharging future tax liability under the Act and Rule.

- v. The petitioners shall also pay GST and file the returns for the period subsequent to the cancellation of the registration by declaring the correct value of supplies and payment of GST shall also be in cash.*
- vi. If any Input Tax Credit was earned, it shall be allowed to be utilised only after scrutinising and approving by the respondents or any other competent authority.*
- vii. The respondents may also impose such restrictions / limitation on petitioners as may be warranted to ensure that there is no undue passing of Input Tax Credit pending such exercise and to ensure that there is no violation or an attempt to do bill trading by taking advantage of this order.*
- viii. On payment of tax, penalty and uploading of returns, the registration shall stand revived forthwith.*
- ix. The respondents shall take suitable steps by instructing GST Network, New Delhi to make suitable changes in the architecture of the GST Web portal to allow these petitioners to file their returns and to pay the tax/penalty/fine.*
- x. The above exercise shall be carried out by the respondents within a period of thirty (30) days from the date of receipt of a copy of this order.”*

3. The above said order will be applicable to the present writ petition also.

Hence, this Writ Petition stands disposed of in terms of the directions issued in



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Tvl.Suguna Cut Piece Center referred to *supra*. Consequently, connected

miscellaneous petition is closed. No costs.

06.10.2025

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Neutral Citation : Yes / No

To

The Commercial Tax Officer
Avanashi, Tiruppur-I,
Tiruppur.

C.SARAVANAN, J.

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