



W.P.(MD)No.1865 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.1865 of 2025

M/s. Trichy Jewellery
Manufacturer Consortium Private Limited,
Represented by its Director,
M. Samson.

... Petitioner

/Vs./

The Assistant Commissioner (ST),
Rockfort Assessment Circle,
Commercial Tax Buildings,
Trichy.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in Reference No ZA3312200228641 dated 4/12/2020 and to quash the same as illegal, arbitrary, and direct the respondents to revoke the cancellation of petitioner's GSTN registration No 33AADCT7597D1Z5 within such time as may be directed by this Court.



W.P.(MD)No.1865 of 2025

For Petitioner : Mr.S.Karunakar

For Respondents : Mr.R.Suresh Kumar

Additional Government Pleader

ORDER

The present writ petition is filed challenging an order of the cancellation of the registration of the petitioner on the premise that the statutory returns has not been filed.

2. It is submitted by the learned counsel for the petitioner that returns have been filed properly upto March, 2020 and appropriate taxes have also been paid and for the remaining period from April, 2020, the petitioner was not able to upload the monthly returns. However, he would submit that the petitioner is ready to file the returns once the portal is opened and seeks restoration of the GSTN registration.

3. At the outset, it is submitted by both the learned counsel for the petitioner as well as the learned Additional Government Pleader for the respondent that the issue stands covered by a series of judgments, commencing with the decision in *Tvl.Suguna Cutpiece vs. Appellate*



W.P.(MD)No.1865 of 2025

Deputy Commissioner (ST) (GST) and others reported in ***2022 (2) TMI 933***, wherein, under identical circumstances, this Court has directed the revocation of registration subject to conditions.

4. This Court has been consistently following the directions issued in ***Tvl.Suguna Cutpiece Center's*** case. Relevant portion of the order is extracted hereunder:

“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



WEB COPY



W.P.(MD)No.1865 of 2025

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 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



WEB COPY



W.P.(MD)No.1865 of 2025

trading by taking advantage of this order.

vii. On payment of tax, penalty and uploading of returns, the registration shall stand revived forthwith.

ix. On payment of tax, penalty and uploading of returns, the registration shall stand revived forthwith.

x. 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.

xi. No cost.

xii. Consequently, connected Miscellaneous Petitions are closed.”

5. In view thereof, the benefit extended by this Court *vide* its earlier order in ***Suguna Cutpiece Centre***'s case cited *supra*, may be extended to the petitioner.



W.P.(MD)No.1865 of 2025

WEB COPY

6. Accordingly, this Writ Petition is disposed of on the above terms. There shall be no order as to costs.

23.01.2025

Index : Yes / No
NCC : Yes / No
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W.P.(MD)No.1865 of 2025

WEB COPY

TO:-

The Assistant Commissioner (ST),
Rockfort Assessment Circle,
Commercial Tax Buildings,
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WEB COPY



W.P.(MD)No.1865 of 2025

G.K.ILANTHIRAIYAN, J.

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Order made in
W.P.(MD)No.1865 of 2025

Dated:
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