BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.20022 of 2025
and
W.M.P.(MD)Nos.15417 and 15418 of 2025

IGH Steel Distributors,
Represented by its Partner
M.Haja Saibudeen,
S.No.113/2, Chennai Bye-pass Road,
Senthaneerpuram,
Tiruchirappalli - 620 004. ... Petitioner

-vs-

1.The Assistant Commissioner (ST),
Palakkarai Assessment Circle, Trichy – 1,
No.21 /11, Chinnakamachi lllam,
SBI Officers Colony, Lawson's Road,
Cantonment,
Trichy - 620 001.

2.The State Tax Officer,
Ponmalai Assessment Circle,
Multi - Storied Buildings,
Khajamalai,
Mannarpuram,
Tiruchirappalli - 620 020. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records from the file of first respondent in impugned Reference No.ZD330824286131H in GSTIN lD : 33AAFFI8005C1ZX dated 30.08.2024 and consequential impugned order of rejection of application for rectification in Reference No:ZD330325036563M in GSTIN/ Temp. lD: 33AAFFI8005C1ZX dated 07.03.2025 passed by the second respondent for the F.Y.2019 - 20 and quash the same as illegal, arbitrary and violative of principles of natural justice.

For Petitioner	:	Mr.R.Ananth
For Respondents	:	Mr.R.Suresh Kumar Additional Government Pleader

ORDER

The petitioner is before this Court challenging the Assessment Order dated 30.08.2024 and the consequential order passed on 07.03.2025 under Section 161 of the TNGST/CGST Act, 2017, whereby the application for rectification of a mistake was rejected.

2. The learned counsel for the petitioner submits that the petitioner is engaged in the business of trading cement, round bars and galvanized iron wire and had purchased cement from India Cements Limited, acting as an Authorized

Dealer. However, it is submitted that while filing the return in Form GSTR-9, the HSN Code was erroneously mentioned as "38245010" instead of "25232930," which is the code reflected in the invoices issued by the supplier, *viz.,* India Cements Limited, as well as in the invoices raised by the petitioner for the onward supply.

3. It is submitted that the prayer for rectification was rejected both initially and again in the subsequent order passed under Section 161 of the respective GST enactments.

4. The order passed by the second respondent under Section 161 of the TNGST/CGST Act, 2017, found fault with the petitioner on the ground that discrepancies were observed based on the statutory returns filed by the petitioner and the input tax credit (ITC) data available from the seller's GSTR-1, which is reflected in GSTR-2A and auto-populated on the petitioner's dashboard.

5. The order further records that the correctness of the ITC claim and the proper payment of tax could not be verified or correlated in the absence of supporting documents for such claims of input and output tax. It also notes that the taxpayer failed to submit the necessary documents prior to the passing of the Assessment Order dated 30.08.2024.

6. While the rejection of the rectification application cannot be faulted *per se*, the fact remains that the petitioner appears to have committed a genuine mistake. Therefore, the petitioner ought to have submitted the relevant documents to the respondents prior to the issuance of the assessment order.

7. Considering the fact that the petitioner is an authorized dealer of India Cements Limited and was engaged in the business of trading cement, I am inclined to set aside the impugned orders and remit the matter back to the respondents for fresh consideration on merits. The respondents shall pass a reasoned order after affording an opportunity to the petitioner to produce all the necessary documents to substantiate that the purchases and sales of cement were made in the course of business. Fresh order shall be passed within a period of three months from the date of receipt of a copy of this order.

8. The Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No **30.07.2025**
Index : Yes / No
smn2

To:-

1.The Assistant Commissioner (ST),
Palakkarai Assessment Circle, Trichy – 1,
No.21 /11, Chinnakamachi lllam,
SBI Officers Colony, Lawson's Road,
Cantonment,
Trichy - 620 001.

2.The State Tax Officer,
Ponmalai Assessment Circle,
Multi - Storied Buildings,
Khajamalai,
Mannarpuram,
Tiruchirappalli - 620 020.

C.SARAVANAN, J.

smn2

W.P.(MD)No.20022 of 2025

30.07.2025