IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 4579 of 2025 and W.M.P.Nos.5097 and 5098 of 2025

Tvl.Almin Products
Rep by its Sita Laxmi No 2 Deepa Apartments
Trubullis Road 1st Cross Street Nandanam Chennai
600 035

..Petitioner(s)

Vs

The Assistant Commissioner (ST)
Anna Salai Assessment Circle, PAPJM Annex
Building, IV Floor, 1, Greams road,chennai- 6.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the constitution of India calling for the records leading to the issuance of proceedings with order in GSTIN No.33AACPS4016LIZR/2019-20 dated 10.09.2024 along with summary of the order FORM GST DRC-07. dated 13.09.2024, by the respondent herein and quash the same and direct the respondent herein to consider the penalty and reassess the case after giving full and fair opportunity to the petitioner.

For Petitioner(s): N.Desinghu
N.Aru Kumar
K.Thansean

For Respondent(s): Mr. T.N.C. Kaushik Agp (tax) Takes
Notice For Respondent.

ORDER

The petitioner is before this Court against the impugned order dated 10.09.2024, whereby the petitioner has now been imposed with the General Penalty of Rs.25,000/- each towards CGST and GST under Section 125 of the respective GST Enactments for the belated filing of the Final Return in GSTR-10 under Section 45 of the respective GST Enactments.

2. After the petitioner's GST Registration was cancelled on 19.06.2019 with effect from 18.06.2019, the petitioner was required to file a Final Return in GSTR-10 under Section 45 within three months of the date of cancellation or date of order of cancellation, whichever is later in such from and manner as may be prescribed of the respective GST Enactments. For the sake of clarity Section 45 of the GST 2017 is extracted hereunder:

> *" Every registered person who is required to furnish a return under Sub Sec (1) of Section 39 and whose registration has been cancelled shall furnish a final return within three months of the date of cancellation or date of order of cancellation whichever is later in such from and manner as may be prescribed.*

4. In this case, the petitioner failed to file the Final Return in GSTR-10 within time stipulated under Section 45 of the respective GST Enactments r/w rule 81 of the respective GST Rules. Hence the petitioner has been imposed with the General Penalty.

5. It is noticed that the petitioner had however filed the Final return in GSTR-10 on 22.01.2025 along with late fee of Rs.10,000/-each towards CGST and SGST belatedly.

6. The issue is now covered by the decision of this Court in ***W.P.Nos 27029 of 2023 etc., Batch vide order dated 02.01.2026 in the case of Kandan Hard Ware Mart Vs The Assistant Commissioner , STC(SAC), Chennai,*** wherein it is held that the imposition of late fee is penal in nature. Hence there is no scope for interfering with the same. However, since the General Penalty imposed under Section 125 of the respective GST Enactments is also penal in nature, it is liable to be interfered in the light of the above order.

7. Considering the same imposing of General Penalty of Rs.25,000/- towards CGST and SGST each under the provisions of respective GST Enactments cannot be sustained.

8.Accordingly this writ petition stands allowed. No costs. Connected Writ Miscellaneous Petitions are closed.

11-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SMN

To.

The Assistant Commissioner (ST)
Anna Salai Assessment Circle, PAPJM Annex Building, IV Floor, 1, Greams road,chennai- 6.

C.SARAVANAN, J.

smn

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