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W.P. No. 5300 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 5300 of 2026
and
W.M.P. No. 5811 of 2026

M/s. Vishwaksenar Infra,
Represented by its Proprietorship,
Suresh Kumar,
First Floor, 64/34,
Nelson Manickam Road, Aminjikarai,
Chennai – 600 029, Tamil Nadu.

...Petitioner

Versus

The Assistant Commissioner,
MMDA Colony – Circle,
Central – I, Chennai Central,
Tamil Nadu.

...Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus, to call for the records on the file of the respondent herein in Reference No. ZA331224076297I dated 12.12.2024 and quash the same and further direct the respondent to restore the petitioner's GST Registration No. 33BXUPS9180H1ZN granted under the CGST Act, 2017.

For Petitioner : Mr. R. Syed Abdul Wakeel

For Respondent : Mr. C. Harsha Raj,
Special Government Pleader



ORDER

The Petitioner is before this Court challenging the impugned order dated 12.12.2024, whereby the Ptitioner's GST registration has been cancelled with effect from 30.09.2024. The Petitioner failed to file a reply to the Show Cause Notice in Form GST REG-17 dated 07.10.2024 that preceded the impugned order and thus suffered the impugned order.

2. The said Show Cause Notice was issued to the Petitioner on the ground that the Petitioner was not carrying on business at the declared place of business at the time of obtaining the GST registration.

3. Considering the fact that the Petitioner had not submitted a reply to the Show Cause Notice, the impugned order dated 12.12.2024 is quashed and the case is remitted back to the Respondent to pass a fresh order on merits and in accordance with law as expeditiously as possible.

4. Needless to state, the Respondent shall also be guided by the ratio laid down by this Court in **Tvl.Suguna Cut Piece Center, Represented by its Authorized Signatory Vs. The Appellate Deputy Commissioner (ST) (GST), Salem and another**, (2022) 99 GSTR 386, wherein it had been held



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)*



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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 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*



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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.

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.”

5. The Writ Petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

12.02.2026

Index : Yes/No
Neutral Citation : Yes/No
AT

To
The Assistant Commissioner,
MMDA Colony – Circle,
Central – I, Chennai Central,
Tamil Nadu.



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C.SARAVANAN, J.

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