



WEB COPY

WP No. 6076 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 6076 of 2026

and

WMP Nos.6576 & 6579 of 2026

Ms Rayan Traders,
Rep. By its Proprietor
Mr. Mohammed Samsudeen,
No.33/22, Rajaji Nagar,
Villivakkam, Chennai-600 049

..Petitioner(s)

Vs

The Superintendent of GST and central Excise,
Range I, Thiru.Vi.Ka.Nagar Division,
GST North commissionerate
"Newry Towers", First floor, Plot No.2054-1,
12th Main road, II Avenue
Anna Nagar, Chennai-600 040

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records of the Respondent Order-in-Original No.39/2025-26-GST made in DIN No.20251259TK0000615957 dated 28.12.2025 with consequential direction to the Proper Officer to verify the records relating to supply of goods which has been effected to the Petitioner to substantiate that the Petitioner has actually made purchases.

For Petitioner(s): S.Sushmitha

For Respondent(s): Mr.Rajendiran Raghavan
Senior Standing Counsel.



ORDER

Mr.Rajendiran Raghavan, learned Senior Standing Counsel takes notice for the Respondent.

2. This Writ Petition is being disposed of at the stage of admission itself with the consent of the learned counsel for the Petitioner and the learned Senior Standing Counsel for the Respondent.

3. In the writ petition, the petitioner is before this Court against the impugned Order- in-Original No. 39/2025-26-GST, passed under Section 74(9) of the CGST Act, 2017. By the said impugned order, the following demand has been confirmed.

i. I confirm the demand of Rs.71,114/- (CGST: Rs.35,557/- + SGST: Rs. 35,557/(Rupees Seventy One Thousand One Hundred Fourteen Only) toward irregular availment and utilization of ITC under the provisions of section 74 (9) of CGST Act, 2017 and corresponding provisions of TNGST Act 2017;

ii. I confirm the demand of interest under Section 50(3) of the CGST Act 2017 and corresponding provisions of TNGST Act 2017; from the due date for reversal/repayment of tax till the date of reversal/repayment of the said tax confirmed at Sl.No.(i) above;



iii. I impose penalty of Rs.71,114/- (CGST: Rs.35,557/- + SGST: Rs. 35,557/(Rupees Seventy One Thousand One Hundred Fourteen Only) under Section 74(9) of the CGST Act 2017 read with the penal provision under Section 122 of CGST Act 2017 and corresponding provisions of TNGST Act 2017; for availin; input tax credit fraudulently without actual receipt of goods based on fake invoices against said tax confirmed at Sl.No.(i) above;

4. The impugned order was preceded by a Show Cause Notice No.253/2025-26(HBU) dated 21.06.2025. The impugned order records, in paragraph Nos.6 and 8.5, that the petitioner had not filed any reply to the aforesaid Show Cause Notice.

5. However, the petitioner had in fact filed a detailed reply dated 12.08.2025, and a copy of the postal receipt transmitting the reply dated 12.08.2025 has also been enclosed along with the typed set filed before this Court.

6. Although the impugned order discusses the case on merits by taking note of the submissions made during the personal hearing, the order ought to have incorporated and considered the defence contained in the reply filed by the petitioner, and the same should have been reflected in the impugned order.



7. Considering the above circumstances, the impugned order 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 after hearing the petitioner and upon considering the reply dated 12.08.2025.

8. This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

20-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
AV

To

The Superintendent of GST and central Excise,
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GST North commissionerate
“Newry Towers”, First floor, Plot No.2054-1,
12th Main road, II Avenue
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C.SARAVANAN, J.

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