



WEB COPY



W.P.No.9685 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.9685 of 2026

and

W.M.P.Nos.10443 and 10445 of 2026

Vishal Velusamy,
S/o. Late Velusamy

... Petitioner

Vs.

The State Tax Officer,
Edappadi Assessment Circle,
Vellandivalasu,
Edappady,
Salem-II Zone,
Salem Division,
Tamil Nadu.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the respondent order made in Reference No.ZD331025334812R dated 29.10.2025 and quash the same as null and void, non-est in the eye of law.

For Petitioner : Mr.P.Suresh Babu
For Respondent : Mrs.P.Selvi
Government Advocate

ORDER

Mrs.P.Selvi, learned Government Advocate takes notice for the Respondent.



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2. This Writ Petition is being disposed of at the time of admission with the consent of the learned counsel for the Petitioner and the learned Government Advocate for the Respondent.

3. Learned counsel for the Petitioner submits that the Petitioner will discharge the late fee of Rs.10,000/- and bring a closure to the issue in the light of the decision of this Court in **Ms.Kandan Hardware Mart and others Vs. The Assistant Commissioner (ST) (FAC), Park Town Assessment Circle, Chennai and others** vide order dated 02.01.2026 in **W.P.Nos.27029 of 2023 etc., batch** wherein in Paragraph Nos.205 to 212, this Court observed as under:-

*“205. The Division Bench of the Himachal Pradesh High Court in the case of **M/s.R.T.Pharma Vs. Union of India and others**, while dealing with a similar issue arising out of delay in filing of the “**Annual Returns**” in GSTR-9 under Section 39 of the respective GST Enactments held that it would be unjust to deny a “**Late Fee**”, waiver to a taxpayer who filed their Goods and Services Tax (GST) Annual Returns (GSTR-9 and GSTR-9C) before a specific Amnesty Notification was issued in **Notification No.7/2023-Central Tax** dated **31.03.2023**, and was amended by **Notification No.25/2023-Central Tax** dated **17.07.2023**.*

*206. Therefore, the benefit of the above Notifications namely **Notification No.7/2023-Central Tax** dated **31.03.2023** as amended by **Notification No.25/2023-Central tax** dated **17.07.2023** has to be extended to all those Petitioners in **Table – 4A** who had filed the returns before **01.04.2023**.*



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207. Since these Petitioners are liable to pay “**Late Fee**”, the question of imposing “**General Penalty**” under Section 125 of the respective GST Enactments cannot be countenanced in view of the reasons that “**General Penalty**” under Section 125 of the respective GST Enactments can be imposed only in the absence of ‘any other penalty’ under the respective GST Enactments.

208. It is therefore held that the Petitioners in **Table-4A** are neither liable for “**Late Fee**” over and above Rs.10,000/- under each of the respective GST Enactments nor liable for “**General Penalty**” under Section 125 of the respective GST Enactments.

209. As far as the case of Petitioners in **Table-4B** namely the Petitioners in W.P.No.19967 of 2023 and W.P.Nos.23356, 30854, 9867 of 2024 and W.P.Nos.47726, 38007, 48941 of 2025 are concerned, they have been subjected to only “**Late Fee**” under Section 47(2) of the respective GST Enactments. They have not been subjected to “**General Penalty**” under Section 125 of the respective GST Enactments.

210. Since these Petitioners have also filed the “**Annual Returns**” before **01.04.2023**, they cannot be subjected to “**Late Fee**” over and above **Rs.10,000/-** under each of the respective GST Enactments as ordered in the case of those Petitioners in **Table-4A**.

211. As far as the case of Petitioner in **Table-4C** namely the Petitioner in W.P.No.3915 of 2024 is concerned, the said Petitioner has filed the “**Annual Return**” only on **19.01.2024** for the Tax Period 2020-2021. It was within the time under Section 44(2) of the respective GST Enactments as the said date would have expired on **31.12.2024**. However, there is no scope for granting any waiver from payment of “**Late Fee**” under section 47 of the respective GST Enactments, as it was long after the date specified in Section 44(1) of the respective GST Enactments read with Rule 80(1) of the respective GST Rules. The said Petitioner has been imposed with “**General Penalty**” of Rs.25,000/- each under Section 125



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of the respective GST Enactments. There is no scope for imposing “**General Penalty**” under Section 125 of the respective GST Enactments for the reasons stated for the other Petitioners. Therefore, to that extent W.P.No.3915 of 2024 deserves to be allowed.

212. In the result,

i. W.P.Nos.3540, 3567, 3570, 3902 and 3966 of 2024 as detailed in **Table-3** are allowed. Therefore, “**General Penalty**” imposed under Section 125 of the respective GST Enactments on these Petitioners are set aside.

ii) W.P.Nos.27029, 27032, 27036, 32599, 34352, 34357, 35186 of 2023 and W.P.Nos.3572, 3916, 15690 of 2024 and W.P.Nos.9988, 28786, 42416, 46522 of 2025 as detailed in **Table-4A** are allowed. Therefore, “**General Penalty**” imposed under Section 125 of the respective GST Enactments on these Petitioners are set aside. These Petitioners are liable to pay a “**Late Fee**” of **Rs.10,000/-** under the respective GST Enactments.

iii. W.P.No.19967 of 2023 and W.P.Nos.23356, 30854, 9867 of 2024 and W.P.Nos.47726, 38007, 48941 of 2025 as detailed in **Table-4B** are allowed. These Petitioners are liable to pay a “**Late Fee**” of **Rs.10,000/-** under the respective GST Enactments.

iv. W.P.No.3915 of 2024 in **Table-4C** is partly allowed. However, imposition of “**General Penalty**” under Section 125 of the respective GST Enactments is set aside in view of imposition of “**Late Fee**” against the Petitioner.

v. No costs. Consequently, all connected Writ Miscellaneous Petitions are closed.”



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4. Recording the above submission of the learned counsel for the Petitioner, this Writ Petition is closed with a direction to the Petitioner to pay a sum of Rs.10,000/- to the Respondent within a period of thirty days (30) from the date of receipt of a copy of this order.

5. Subject to the Petitioner complying with the above stipulation, all further recovery proceedings in the impugned Order shall stand abated. In case the Petitioner fails to discharge the late fee of Rs.10,000/-, it will be deemed as if this Writ Petition was dismissed *in limine* in which the Respondent is directed to proceed against the Petitioner in the manner known to law. No costs. Connected Writ Miscellaneous Petitions are closed.

12.03.2026

Neutral Citation : Yes / No

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To:

The State Tax Officer,
Edappadi Assessment Circle,
Vellandivalasu,
Edappady,
Salem-II Zone,
Salem Division,
Tamil Nadu.



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C.SARAVANAN, J.

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