IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP Nos. 14042 to 14044 of 2014

In all WPs.

M/s.Victoria Steel Enterprises Limited,
Rep. by its Manager K.Sivakumar,
No.723-D, GNT Road, Kottakarai,
Gummidipoondi, Chennai-601 204.

..Petitioner

Vs

The Assistant Commissioner (CT) (FAC),
Ponneri Assessment Circle, Ponneri.

..Respondent

Prayer in WP.No.14042 of 2014: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records on the file of the Respondent in his impugned proceedings made in TIN/33410886252/2011-12 dated 6.5.2014, quash the same as illegal and contrary to the scheme of the Act.

Prayer in WP.No.14043 of 2014: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records on the file of the Respondent in his impugned proceedings made in TIN/33410886252/2012-13 dated 6.5.2014, quash the same as illegal and contrary to the scheme of the Act.

Prayer in WP.No.14044 of 2014: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records on the file of the Respondent in his impugned proceedings made in TIN/33410886252/2013-14 dated 06.05.2014, quash the same as illegal and contrary to the scheme of the Act.

In all the three WPs.

For Petitioner: Mr.Devanand for Ms. R.Hemalatha

For Respondent: Ms.P.Selvi, Government Advocate

COMMON ORDER

The challenge in these three writ petitions is against notices issued for reversal of Input Tax Credit for assessment years 2011-2012, 2012-2013 and 2013-2014.

2. Both learned Government Advocate and learned counsel for the petitioner submit that the judgment of this Court in *State Tax Officer v. M/s. Arunachala Impex Private Limited, dated 18.11.2024 in W.A.No.3270 of 2024 (Arunachala Impex)* covers the issue. They submit that these writ petitions may be disposed of by following the ratio of the said judgment.

3. In *Arunachala Impex*, this Court followed an earlier judgment of the Division Bench in *Sahyadri Industries Ltd. v. State of Tamil Nadu, 2023 SCC*

OnLine Mad 7905. The relevant paragraphs of the said judgment are set out below:

> *"106. Therefore, a registered dealer claiming input tax credit has to discharge the burden of proof required to be discharged under Section 17(2) of the T.N. Vat Act, 2006 by showing documents to prove that indeed there was a transaction of sale and payment of amount was made for supply made to the dealer who supplied the goods.*
>
> *107. Thus, it was incumbent on the part of a registered dealer like petitioner-appellants availing input tax credit to prove that indeed a transaction of "sale" had taken place. They should not only preserve but also produce collateral evidence in the form of transport documents, such lorry receipts or consignment note, etc. When called upon failing which it cannot be said they have discharged the burden of proof required to be discharged under Section 17(2) of the T.N. Vat Act, 2006.*
>
> *108. In absence of such document, where there was also a failure on the part of the dealer which raised invoice on the petitioner-appellants for the goods allegedly supplied, either on account of cancellation of registration or on account of such dummy dealers have disappeared, input tax credit availed and utilised has to be repaid together with interest under the scheme of the T.N. Vat Act, 2006.*
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> *109. Till such time the burden of proof is properly discharged, the credit availed has to be held to be provisional*

SENTHILKUMAR RAMAMOORTHY, J.

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under the scheme of Section 19(16) of the T.N. Vat Act, 2006 and the assessing officer is empowered to revoke the credit if a dealer fails to discharge the burden."

By following the ratio of the said judgment, these writ petitions are disposed of by permitting the petitioner herein to submit a reply to the impugned notices by enclosing all relevant documents within 30 days from the date of receipt of a copy of this order. After providing a reasonable opportunity to the petitioner, the respondent shall pass speaking orders within two months from the date of receipt of the petitioner's reply. There will be no order as to costs.

02-01-2026

Index : Yes/No
Internet:Yes/No
Neutral Citation : Yes/No
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To

The Assistant Commissioner (CT) (FAC),
Ponneri Assessment Circle, Ponneri.

WP Nos. 14042 to 14044 of 2014