IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR JUSTICE G. R. SWAMINATHAN

WP No. 20291 of 2026
AND
WMP Nos. 21748 & 21751 of 2026

NKR Traders
Represented by Its Proprietor
Mr.S.Kumarasamy
No.1/151, Perumal Kovil Street,
Noothapur -Veppanthattai,
Perambalur 621117.

..Petitioner(s)

Vs

1. The State Tax Officer
   Perambalur Assessment Circle,
   No.93F, Venkatachalapathi Nagar,
   New Bus Stand back Side,
   Perambalur.

2. The Bank Manager
   Indian Overseas Bank,
   South Street, Kaikalathur,
   Nerkunam Village,
   Kaikalathur 621124.

..Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the impugned Order dated 03.09.2025 in Form GST DRC-07 bearing Reference No.ZD330925042097B along with its annexure in Petitioner's GSTIN 33CIFPK9549H1ZY for the FY 2020-2021 passed by the 1st respondent and consequential impugned order of bank attachment in Roc.No.33ACSPT0697A2ZD/2026 dated 05.03.2026 and annexure in FORM GST DRC-13 issued by the 1st respondent to the 2nd respondent and quash the same.

For Petitioner(s): Mr.E.Sathiyaraj

For Respondent(s): Mr.T.N.C.Kaushik, AGP

Order

Heard both sides.

2. The learned counsel for the petitioner states that for not filing the returns for the Financial Year 2020-2021, the petitioner has already been imposed with the Late Fee penalty under Section 47 of the TNGST Act, 2017 for the year 2020-21. Hence, the first respondent cannot impose the General Penalty under Section 125 of the Act, on the petitioner vide impugned order. Section 125 of the Act applies only where no specific penalty is provided. Hence, the impugned order is liable to be set aside. He further states that the first respondent had already recovered a sum of Rs.2,38,802/- and his bank account has been attached.

3. The issue, however, on merits is *prima facie* covered by the decision in **Ms. Kandan Hardware Mart vs. Assistant Commissioner (ST) (FAC)** vide order dated 02.01.2026 in **W.P. Nos. 27029 of 2023 batch**. Therefore, this Writ Petition is disposed of by following the aforesaid decision of this Court wherein it was concluded 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.***

*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 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."

4. This Writ Petition is, therefore, partly allowed, subject to the following observations:-

(i) Accordingly, the impugned intimation relating to the levy of Late Fee under the respective GST Enactments and the General Penalty under Section 125 of the respective GST Enactments for the **Assessment Year 2020–2021** in excess of Rs. 50,000/- is quashed in part.

(ii) The imposition of general penalty under Section 125 of the respective GST enactments for the **Assessment Year 2020-2021** is not sustainable in view of the ratio of this Court in **Kandan Hardware Mart** referred to *supra.* Accordingly, the imposition of General Penalty under Section 125 of the respective GST enactments shall stand set aside.

(iii) The petitioner is, therefore, liable to pay Late Fee under Section 47 of the respective GST Enactments for the **Assessment Year 2020–2021.**

5. In view thereof, the attachment of the Petitioner's bank account shall stand lifted subject to the Petitioner depositing the Late Fee demanded for the **Assessment Year 2020-2021.** Connected miscellaneous petitions are closed. No costs.

21-05-2026

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

G.R.SWAMINATHAN J.

GSK/GSA

To

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   Perambalur Assessment Circle,
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