

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-06-2026**

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**THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY**

**WP No. 20601 of 2023  
and  
WMP Nos. 19985 & 19986 of 2023**

M/s.Akal Trade Links  
Rep by its Partner Sri.R.Sangar Ganesh,  
D.No.206, Kovai Road,  
Kangeyam-638 701.

..Petitioner(s)

Vs

The Assistant Commissioner (ST)  
Kangeyam Assessment Circle,  
Kangeyam.

..Respondent(s)

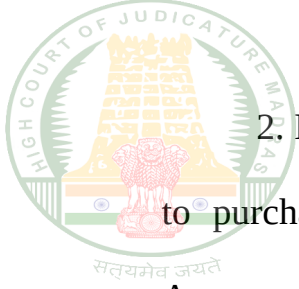
Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records of the respondent in GSTIN: 33AAXFA1623J1ZE/2018-19 and quash the impugned proceeding dated 28.04.2023 passed therein.

For Petitioner(s): Mr.B.Raveendran

For Respondent(s): Mr.R.Sethu Prabakaran  
Government Counsel (Tax)

**ORDER**

An order dated 28.04.2023 confirming the tax proposal in respect of wrongful availment of Input Tax Credit (ITC) is assailed in this writ petition.

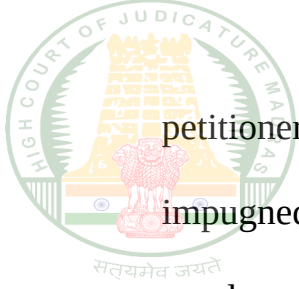


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2. Learned counsel for the petitioner submits that the tax demand pertains to purchases made by the petitioner from Eco-friendly Coco Products in Assessment Year 2018-2019. He submits that at the time of delivery of goods, the GST registration of the supplier had not been cancelled. He also submits that the supplies are supported by tax invoices containing the details of the vehicle through which goods were transported and delivered to the petitioner. He further submits that the supplier had filed returns reflecting the supplies and that the requisite taxes thereon were paid by the supplier. Therefore, learned counsel submits that the impugned order cannot be sustained.

3. In response, learned Government Counsel appearing on behalf of the respondent submits that the burden of proof in respect of the availment of ITC is statutorily imposed on the person availing ITC under Section 155 of the applicable GST Statutes read with Section 16 thereof. Because the petitioner failed to discharge such burden by providing evidence of the actual movement of goods, he submits that the petitioner's availment of ITC was held to be unlawful.

4. The impugned order refers to the eight invoices issued by the Eco-friendly Coco Products. These invoices were issued between January 2018 and August 2018. The record shows that the supplier was a registered person during the relevant period, and the registration was cancelled subsequently. The

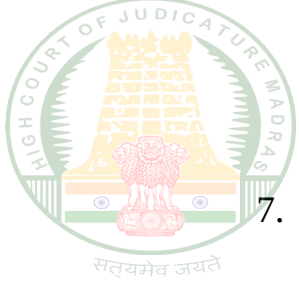


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petitioner has included in the paper book, the relevant invoices referred to in the impugned order. Each invoice contains the vehicle number under which the goods were transported. The impugned order records the petitioner's contention that the supplier arranged the conveyance for the delivery of the goods to the petitioner.

5. In view of the above contention, further examination with regard to whether the supply was genuine was warranted, especially in light of the fact that the supplier had filed requisite returns under the applicable GST statutes and paid taxes in respect thereof. Without undertaking this exercise, and merely on the ground that lorry receipts and weighment slips had not been filed, the tax proposal was confirmed.

6. Taking into account the totality of facts and circumstances, the impugned order cannot be sustained and reconsideration is warranted. Towards that end, the impugned order dated 28.04.2023 is set aside and the matter is remanded to the respondent for reconsideration. The petitioner is permitted to place on record additional documents relating to the supply within 15 days and within 3 months from the date of receipt thereof, fresh order shall be issued after providing a reasonable opportunity of being heard to the petitioner.



7. The Writ Petition is disposed of on the above terms. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

**05-06-2026**

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

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To

The Assistant Commissioner (ST)  
Kangeyam Assessment Circle,  
Kangeyam.

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**SENTHILKUMAR RAMAMOORTHY, J.**

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