IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.30958 of 2024
and
W.M.P.No.33561 of 2024

Sri Murugan Energy
Represented by its Proprietor: Mr.P.Ramanathan
No.N 84/0 101, NA,
Dr. Radhakrishnan Road,
Mylapore, Chennai – 600 004. ... Petitioner

Vs.

The State Tax Officer,
(Formerly Known as Commercial Tax Officer)
Mylapore Assessment Circle,
2nd Floor, Room No.250,
The Integrated Building for Commercial Taxes &
Registration Department, (South Tower),
Nandanam, Chennai – 600 035. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records of the Respondent in Reference Number: ZD330424099639W/2018-19 Dated 13.04.2024 and quash the same as arbitrary, illegal.

For Petitioner : Mr.V.Vijayalakshmi
For Respondent : Mr.C.Harsha Raj
Special Government Pleader

ORDER

The petitioner is before this Court against the impugned Order dated 13.04.2024, which was preceded by a Show Cause Notice in DRC-01 dated 29.12.2023.

2. By the impugned order, the petitioner's claim for Input Tax Credit under Section 16 of the respective GST enactments was denied on account of the restriction under Section 16(4).

3. However, it is noticed that by way of statutory intervention via the Finance (No.2) Act, 2024, sub-section 5 & 6 have been inserted in Section 16 [w.e.f. 01.07.2017], which overrides the restriction under Section 16(4) for the period in question.

4. Considering the same, the case is remitted back to the respondent to pass a fresh order on merits, however, subject to the petitioner satisfying the other requirements of Section 16 of the respective GST enactments and the rules made thereunder.

5. The respondent shall proceed to pass fresh orders on merits, as expeditiously as possible, subject to the petitioner complying with the above stipulation. It is needless to state that, before passing any such order, the petitioner shall be heard.

6. Bank attachment, if any, shall also stand automatically raised/vacated, subject to the petitioner complying with the above stipulation.

7. In case the petitioner fails to comply with the above stipulation, the respondent is at liberty to proceed against the petitioner to recover the tax in accordance with law as if this writ petition was dismissed *in limine* today.

8. With the above directions, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

08.01.2026

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Neutral Citation : Yes / No

To

The State Tax Officer,
Mylapore Assessment Circle,
2nd Floor, Room No.250,
The Integrated Building for Commercial Taxes &
Registration Department, (South Tower),
Nandanam, Chennai – 600 035.

C.SARAVANAN, J.

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