IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP.No. 63 & 65 of 2026
AND
WMP.Nos. 47, 49 & 50 of 2026

Tvl ATM International
(Rep by its Proprietor Thangamuthu),
28, Narayanasamy Nagar,
Gandhi Nagar Post,
Tiruppur-641 603

..Petitioner in both WPs

Vs

Assistant Commissioner (ST)
North-2 Assessment circle,
3rd Floor, Commercial Taxes Building,
Kumaran Road, Tiruppur-641 601

..Respondent in both WPs

Prayer in W.P.No.63 of 2026: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records related to the impugned order bearing reference No. ZA331218068941E Dt. 18.12.2018 passed by the respondent and consequently directing the Respondent to restore the registration of the Petitioner.

Prayer in W.P.No.65 of 2026: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records relating to the impugned order bearing reference number ZD331223245143Y dated 28-12-2023 passed by the Respondent and quash the same as the same being arbitrary, passed in violation of the principles of natural justice and thus render justice.

For Petitioner(s):	M/s.N.Ashmitha in both WPs
For Respondent(s):	Mr.V.Prashanth Kiran Government Advocate in both Wps

COMMON ORDER

Mr.V.Prashanth Kiran, learned Government Advocate, takes notice for the Respondent.

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

3. By this common order, both the writ petitions are disposed of. In W.P.No.63 of 2026, the petitioner has challenged the impugned order dated 18.12.2025 passed in Form GST REG-19, which was proceeded by a Show Cause Notice in Form GST REG-17 dated 06.12.2018. By the said order, the petitioner’s GST registration has been cancelled with effect from 18.12.2018.

4. In WP.No.65 of 2026, the petitioner has challenged the impugned order dated 28.12.2023, whereby the demand proposed in the Show Cause Notice in Form GST DRC-01 dated 25.09.2023 has been confirmed against the petitioner. The petitioner's application seeking rectification of the aforesaid order was rejected vide order dated 14.02.2025.

5. The learned counsel for the petitioner submits that the proprietor of the petitioner concern was carrying on business and had duly employed staff. It is further submitted that the petitioner was entitled to Input Tax Credit to the extend to approximately Rs.9,44,149/-, which could have been adjusted towards the tax liability. However, the demand was confirmed vide order dated 28.12.2023, which is impugned in W.P.No.65 of 2026.

6. A reading of the impugned order indicates that, apart from determining the tax liability of Rs.6,93,620/-, the petitioner has also been imposed with penality under Section 73(9) along with interest to the tune of Rs.7,10,456/-, -, despite the fact that the petitioner had already ceased carrying on business operations.

7. These writ petitions are disposed of by restoring the GST registration for the limited purpose of adjusting the Input Tax Credit lying in the petitioner's Electronic Credit Register. The respondent shall proceed to pass a fresh order on merits, determining the appropriate amount towards the tax liability, interest and penality, after due adjudication.

8. The Petitioner shall file a reply to the Show Cause Notice in Form GST DRC-01 dated 25.09.2023 together with requisite documents to substantiate the case by treating the impugned Order dated 28.12.2023 as an addendum to the Show Cause Notice dated 25.09.2023.

9. In case the Petitioner complies with the above stipulation, the Respondent shall proceed to pass a final order on merits and in accordance with law as expeditiously as possible, preferably, within a period of three (3) months of such reply. Subject to the Petitioner complying with the above stipulation, the attachment of the bank account of the Petitioner shall also stand automatically raised/vacated.

10. In case the Petitioner fails to comply with any of the stipulations, 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.

11. Needless to state, before passing any such order, the Respondent shall give due notice to the Petitioner.

12. These Writ Petitions stand disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

09-01-2026

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

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To

Assistant Commissioner (ST)
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3rd Floor,
Commercial Taxes Building,
Kumaran Road, Tiruppur-641 601

C.SARAVANAN, J.

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