BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 19.02.2026

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.4716 of 2026
and
W.M.P.(MD).No.3949 of 2026

Tvl. K.P.Trading Corporation,
Represented by its Partner,
B.Paulson Prabhu ... Petitioner

Vs

The Assistant Commissioner (ST-3) (FAC),
Sivakasi-3 Assessment Circle,
Commercial Taxes Buildings,
Sivakasi. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records relating to the impugned proceedings in GSTIN : 33AARFK7189B1Z2 / Assessment Year 2020-21, culminating in the order dated 17.02.2025 passed under Section 73 of the TNGST Act, 2017, insofar as it levies a penalty of Rs.50,000/- and quash the same as illegal, arbitrary ad without authority of law.

For Petitioner : Mr.N.Sudalai Muthu

For Respondent : Mr.R.Suresh Kumar,
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned proceedings dated 17.02.2025 passed under Section 73 of the TNGST Act, 2017, insofar as it levies a penalty of Rs.50,000/-.

2. Mr.R.Suresh Kumar, learned Additional Government Pleader, takes notice for the respondent. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage.

3. The learned counsel for the petitioner would submit that the petitioner had filed GSTR-9 belatedly and paid the late fee as contemplated under Section 47 of the GST Act. Despite such payment, a notice came to be issued proposing imposition of penalty and thereafter, the impugned order was passed invoking Section 125 of the Act. It is the submission of the learned counsel that when a specific provision under Section 47 of the Act provides for levy of late fee for delayed filing of returns, the general penalty provision under Section 125 of the Act cannot be invoked for the very same default. This issue has already been considered and settled by this Court in several decisions, holding that once late fee is leviable under Section 47 of the Act for delay in filing GSTR-9, invocation of Section 125 of the Act is unsustainable.

4. In the present case, it is not in dispute that the petitioner has paid the late fee as required under Section 47 of the Act. In such circumstances, the respondent is not justified in imposing an additional penalty under Section 125 of the Act for the same delay.

5. Accordingly, the impugned order dated 17.02.2025 passed under Section 73 of the TNGST Act, 2017, insofar as it relates to the levy of penalty of Rs.50,000/-, is set aside.

6. In the result, this Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

19.02.2026

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

To
The Assistant Commissioner (ST-3) (FAC),
Sivakasi-3 Assessment Circle,
Commercial Taxes Buildings,
Sivakasi.

KRISHNAN RAMASAMY, J.

TSG

W.P.(MD)No.4716 of 2026

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