BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 26.03.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.8222 of 2026

M/s.S.M.J.Traders,
Represented by its Proprietor J.Syed Ismail Gani
GSTIN 33GNGPS4775F1ZL
5, Dimwa Iron City, Bathlagundu Road,
Pillaiyar Natham, Begambur Post,
Dindigul-624002 ... Petitioner

Vs.

The Superintendent, GST & CGST C Excise,
Dindigul -1 Range,
Dindigul ...Respondent

Writ Petitions are filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in Ref.No.ZA3310240230B dated 07.10.2024 and to quash the same as illegal, arbitrary and direct the respondent to revoke the cancellation of petitioner's GSTIN registration No. 33GNGPS4775F1ZL within such time as may be directed by this Court.

For Petitioner :Mr.S.Karunakar
For Respondents :Mr.R.Gowrishankar
Senior Standing Counsel

ORDER

This writ petition is filed challenging the impugned order dated 07.10.2024.

2.Upon perusal of the same, it is seen that since the petitioner was issued with the show cause notice dated 04.10.2024 upon information that the petitioner does not conduct any business from the declared place of business and he is only issuing bill or invoice without supply of goods and services in violation of the provisions of the Act, the show cause notice was issued. The petitioner submitted a reply that due to significant financial losses, he had ceased operation and they did not formally cancel the GST. It is also replied that during the said period, they have not submitted any invoices or bills and no sales or services have been conducted. After considering the same, the order impugned in the writ petition was passed on 07.10.2024.

3.The learned counsel appearing on behalf of the petitioner would submit that the petitioner intends to continue the business now only because of his personal conditions, he did not carry on any business. As a matter of fact, the statements filed before the income tax authorities which would show that the petitioner was having considerable turnover for the period prior to the period where he did not conduct any business. If one more opportunity is given, he will place on record all the documents before the respondent and convince him that he was not doing any business. But he was actually doing the business only because of the personal reason, the same was discontinued during the relevant period and if he restarts, it would only be beneficial for the revenue.

4.The Learned Counsel appearing on behalf of the respondent to submit that permitting the persons like the petitioner would not be beneficial for revenue. These persons, who are suspected to be trading only in invoices or bill without supply of goods and services and thereby spoiling the entire system of enabling persons to make wrongful claims.

5.I have considered the rival submissions made on either side and perused the material records of the case.

6.If the persons like the petitioner only traders in bill without actual transactions then certainly no exception can be taken with reference to the impugned order. However, it is claimed that the petitioner has in possession of proof that he was actually a dealer and was doing his business and he has also reflected the turnover in the Income tax account and he has got other proofs to convince the authorities. When the showcase notice issued, it can be seen that along with the reply, no detailed submissions were made with reference to what business he was conducting, from which date he stopped to conduct the business and why he again intends to restart etc. In view thereof, considering the plea now made before this Court, I am of the view that an opportunity can be granted to the petitioner.

7.In view thereof, this writ petition is allowed on the following terms:

(i)The impugned order dated 07.10.2024 shall stand set aside.

(ii)Within a period of two weeks from the date of receipt of the web copy of the order, the petitioner can submit a detailed reply. The reply should contain the particulars as to from which he was conducting the business, what was the turnover of the petitioner and what are the documents in support of the trade turnover. The supporting document shall also be enclosed.

(iii)The reasons for stopping the business and even if any medical reasons are cited, the medical records in respect thereof shall all be expressly pleaded and the documents be provided. It will be open for the respondent to reconsider the issue and pass fresh orders in accordance with law. No costs.

26.03.2026

NCC:Yes/No
Ns

To
The Superintendent, GST & CGST C Excise,
Dindigul -1 Range,
Dindigul

D.BHARATHA CHAKRAVARTHY, J.

Ns

W.P(MD)No.8222 of 2026

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