BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.04.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.9055 of 2026
and
W.M.P(MD)No.7278 of 2026

M/s.AMK Athencottasan Muthamizh
Kazhagam Man Power Services
Represented by its Director R.Arul Kannan
41, M Vellalar Colony West,
Ramavarmapuram
Nagercoil, Kanyakumari. ... Petitioner

Vs.

The State Tax Officer,
Nagercoil-1, Assessment Circle,
Commercial Tax Building
Nagercoil ...Respondent

Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records in the impugned order in GSTIN:33ABBFA8472G1ZK/2022-23 dated 14.08.2025 of the respondent and to quash the same as illegal, arbitrary, wholly without jurisdiction.

For Petitioner :Mr.S.Karunakar
For Respondent :Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

This writ petition is filed challenging the impugned order dated 14.08.2025.

2.The order is an assessment passed under Section 74 of the TNGST Act 2017. The authorities found that there is a short payment on the output liability and the petitioner has been claiming exemption which is inadmissible and therefore, issued a show cause notice. The petitioner filed a reply by stating that the petitioner is supplying manpower to the local authority, namely the Trichi Municipal Corporation and therefore, the said turnover is exempt from tax. In view of the exemption granted for the service rendered to the Government or the local authorities under Article 243W of the Constitution of India, the petitioner also relied upon the order passed on 23.08.2024, by the very same authority in respect of the month of February 2023. In the said order it has been found that the petitioner is entitled for exemption and the proposal of the tax at the rate of 18% of the turnover was dropped.

3.The respondent authority, after considering the reply submitted by the petitioner, held that merely on the said order, the proposal cannot be dropped. It is for the petitioner to produce proof in respect of the exemption claimed. In paragraph 2, in internal page 7 of the order, it has been categorically mentioned that the assessee had not filed any documents such as agreement copy or work order issued by the respective departments. Therefore, they disallowed the exemption claimed by the petitioner and the impugned order has been passed.

4.The contention of the learned counsel for the petitioner is that having taken a view in respect of the previous month, once again the authority cannot seek to change their opinion and direct the petitioner to produce the contract and the other materials for every month. The action of the respondent is illegal.

5.Per Contra, the learned Additional Government Pleader would submit that it may be true that for previous month, the claim made by the petitioner is accepted but does not preclude the authority from entertaining a doubt with reference to the claim of exemption and as and when any doubt is raised, it is for the petitioner to clarify by producing the documents.

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

7.In this case, the petitioner's claim for exemption is not negated on merits, but only on the ground that he has not furnished proof in respect thereof. It is true that in in the previous exercise, the claim of the petitioner has been accepted. But at the same time, the petitioner can also produce the agreement copy and the work order etc., and prove before the respondent that he is only supplying the labour and which is exempt under Article 243-G r/w Article 243-W of the Constitution of India.

8.Therefore. I am of the view that one more opportunity can be granted to the petitioner. This writ petition is ordered on the following terms:

(i)The impugned order dated 14.08.2025 shall stand quashed. The matter is remanded back to the file of the respondent for fresh consideration within two weeks from the date of receipt of the web copy of the order.

(ii)The petitioner shall file a copy of the agreement and Work order or such other document place before the respondent to prove that the entire transactions are exempt and it is for the respondent to consider the said document and also the earlier findings in respect of the other months and take a considered view in this regard by reducing specific reasons and passing fresh orders.

(iii)No costs. Consequently, connected miscellaneous petition is closed.

02.04.2026

NCC:Yes/No
Ns

To
The State Tax Officer,
Nagercoil-1, Assessment Circle,
Commercial Tax Building
Nagercoil

D.BHARATHA CHAKRAVARTHY, J.

Ns

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