BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.25314 of 2025
and
W.M.P.(MD)No.19857 of 2025

TP Solar Limited,
Represented by its Authorised Signatory,
R.Sarath Kumar,
Plot No.A104 and A105,
SIPCOT Industrial Park,
Near ELCOT Road,
Gangaikondan,
Tirunelveli – 627 352. ... Petitioner

-vs-

The Assistant Commissioner (ST),
Tirunelveli Junction,
Tirunelveli Junction Assessment Circle,
First Floor, MGR New Bus Stand,
Veninthankulam,
Tirunelveli District - 627 002. ... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in issuing the impugned order in Form GST RFD-06 dated 25.06.2025 and quash the same and direct the respondent to sanction the refund as claimed by the petitioner, as the impugned order rejecting the refund claim is in contravention of the provisions of Section 54 of the CGST Act and Articles 19 (1) (g) and 265 of the Constitution.

For Petitioner : Mr.G.Natarajan

For Respondent : Mr.P.Rajagopalan
Standing Counsel

ORDER

The writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned order dated 25.06.2025 and consequently to direct the respondent to sanction the refund as claimed by the petitioner.

2. Upon hearing the learned counsel for the petitioner and perusing the materials available on record, the case of the petitioner is that it is a holder of an Export Promotion Capital Goods (EPCG) Scheme licence. Under the said scheme, imports effected under the licence are exempt from payment of tax. It is the further contention of the petitioner that even in cases of local procurement of capital goods in lieu of imports, such supplies are treated as deemed exports, and any tax paid thereon is eligible for refund, subject to reversal of input tax credit, if any availed.

3. It is the grievance of the petitioner that in the present case, the supplier of the machineries, instead of classifying the supply under the category of "deemed exports" in the appropriate column, erroneously reflected the same under the general turnover. Owing to the said misclassification, the petitioner was unable to process the refund claim through the automated system on the common portal, resulting in rejection of the claim. Aggrieved thereby, the petitioner has approached this Court.

4. The learned counsel for the petitioner would submit that the denial of refund is solely on account of an inadvertent error committed by the supplier, for which the petitioner ought not to be made to suffer. It is further submitted that at the time of processing of refund, any input tax credit availed would be duly reversed, and there is no revenue loss to the State. The petitioner is also willing to produce a Chartered Accountant's certificate to substantiate the claim.

5. Per contra, the learned Standing Counsel appearing for the respondent would submit that the rejection of refund was occasioned due to the manner in which the claim was presented and the supporting particulars furnished. It is, however, submitted that in the event the petitioner produces proper supporting documents, including a Chartered Accountant's certificate, the authority would be in a position to reconsider the claim in accordance with law.

6. I have considered the rival submissions made on either side and perused the materials available on record.

7. In view of the submissions made and the fact that the difficulty appears to have arisen on account of a classification error committed by the supplier, this Court is of the view that the petitioner should be afforded an opportunity to have the claim reconsidered on merits.

8. Accordingly, the impugned order dated 25.06.2025 is set aside and the matter is remitted back to the respondent for fresh consideration. The petitioner is directed to submit a fresh representation along with the Chartered Accountant's certificate and all supporting documents within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of the same, the respondent shall consider the claim of the petitioner afresh and pass appropriate orders in accordance with law, after affording due opportunity to the petitioner. The entire exercise shall be completed within a period of two (2) months thereafter.

9. The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

08.06.2026

NCC : No
smn2

To:-

The Assistant Commissioner (ST),
Tirunelveli Junction,
Tirunelveli Junction Assessment Circle,
First Floor, MGR New Bus Stand,
Veninthankulam,
Tirunelveli District - 627 002.

D.BHARATHA CHAKRAVARTHY, J.

smn2

W.P.(MD)No.25314 of 2025

08.06.2026