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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 04-06-2025**

CORAM

**THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY**

**WP No. 19759 of 2025**

**and**

**W.M.P.Nos.22186 & 22187 of 2025**

Presannaraj

Petitioner

S/o.Ganesan,

Rep. by its AV INFRA Proprietor,

1/333M, Kamaraj Nagar,

Nallampalli,

A.Jattihalli,

Dharmapuri District 636 807.

Vs

1. The Superintendent of GST and Central excise,  
Dharmapuri Range, No.4/631, B/1,  
Kadalaimandi St., Behind Government Medical College,  
Teachers Colony, Dharmapuri 636 701.

2.M/s.Megha Engineering and Infrastructures Ltd.,  
Old No. 280A, NEW No.395, Meil House,  
Anna salai, Teynampet, Chennai 600 018.

Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the order vide Reference Number ZA330325175604M for Suo Motto cancellation of the GST Registration No:33HHBPP7912R1ZN of the Petitioner and quash the same consequently direct the 1st Respondent to ensure



that the GST amount due to this petitioner by the 2nd Respondent is paid accordingly.

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For Petitioner : Mr.A.Murugavel

For Respondents : Mr.Rajendran Raghavan,  
Senior Standing Counsel,  
For R1

### **ORDER**

By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. The present Writ Petition is filed challenging the order of the Suo Motto cancellation of the GST Registration No:33HHBPP7912R1ZN of the Petitioner on the premise that the statutory returns has not been filed for a continuous period of more than six months, thereby invoking Section 29(2) of CGST Act and consequential direction to the 1st Respondent to ensure that the GST amount due to this petitioner by the 2nd Respondent is paid accordingly.

3. At the outset, it is submitted by both the learned Counsel for the petitioner as well as the learned Senior Standing Counsel for the first



Respondent that the issue stands covered by a series of judgments, commencing with the decision in *Tvl.Suguna Cutpiece Center Vs. Appellate Deputy Commissioner (ST) (GST) and others*, wherein, under identical circumstances, this Court has directed the revocation of registration subject to conditions.

4. This Court has been consistently following the directions issued in *Tvl.Suguna Cutpiece Center's case*. The relevant portion of the order is extracted hereunder:

*“229. In the light of the above discussion, these Writ Petitions are allowed subject to the following conditions:*

*i. The petitioners are directed to file their returns for the period prior to*

*the cancellation of registration, if such returns have not been already filed, together with tax defaulted which has not been paid prior to cancellation along with interest for such belated payment of tax and fine and fee fixed for belated filing of returns for the defaulted period under the provisions of the Act, within a period of forty five (45) days from the date of receipt of a copy of this order, if it has not been already paid.*

*ii. It is made clear that such payment of Tax, Interest, fine /*



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*fee and etc. shall not be allowed to be made or adjusted from and out of any Input Tax Credit which may be lying unutilized or unclaimed in the hands of these petitioners.*

*iii. If any Input Tax Credit has remained utilized, it shall not be utilised until it is scrutinized and approved by an appropriate or a competent officer of the Department.*

*iv. Only such approved Input Tax Credit shall be allowed for being utilized thereafter for discharging future tax liability under the Act and Rule.*

*v. The petitioners shall also pay GST and file the returns for the period subsequent to the cancellation of the registration by declaring the correct value of supplies and payment of GST shall also be in cash.*

*vi. If any Input Tax Credit was earned, it shall be allowed to be utilised only after scrutinising and approving by the respondents or any other competent authority.*

*vii. The respondents may also impose such restrictions / limitation on petitioners as may be warranted to ensure that there is no undue passing of Input Tax Credit pending such exercise and to ensure that there is no violation or an attempt to do bill trading by taking advantage of this order.*

*viii. On payment of tax, penalty and uploading of returns, the registration shall stand revived forthwith.*



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*ix. The respondents shall take suitable steps by instructing GST Network, New Delhi to make suitable changes in the architecture of the GST Web portal to allow these petitioners to file their returns and to pay the tax/penalty/fine.*

*x. The above exercise shall be carried out by the respondents within a period of thirty (30) days from the date of receipt of a copy of this order.*

*xi. No cost.*

*xii. Consequently, connected Miscellaneous Petitions are closed.”*

5. In view thereof, the benefit extended by this Court vide its earlier order in *Suguna Cutpiece Centre's case* cited supra, may be extended to the petitioner.

6. Asfar as the second portion of the prayer sought for by the petitioner for a direction to the first respondent to ensure that the GST amount due to this petitioner by the 2<sup>nd</sup> respondent is paid. This Court is not inclined to pass any order in this regard. Accordingly, the second portion of the prayer has been rejected. In the event, the second respondent failed to remit any GST dues, the petitioner is liable to pay. It is upto the first respondent to issue separate legal



proceedings for any demand of GST amount, which was collected from the petitioner already.

7. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

**04-06-2025**

jd

Index:Yes/No

Speaking/Non-speaking order

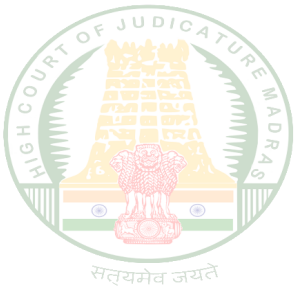
Internet:Yes

Neutral Citation:Yes/No

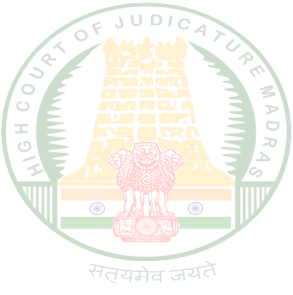
To

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**KRISHNAN RAMASAMY J.**

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