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Indiranathan Ilavalagan Vs The Superintendent,

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SooperKanoon Citation : sooperkanoon.com/1433291

Court : Chennai

Decided On : Mar-30-2026

Judge : Honourable Mr Justice C. Saravanan

Appeal No. : WP/11965/2026

Appellant : Indiranathan Ilavalagan

Respondent : The Superintendent,

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN WP No. 11965 of 2026 AND WMP No.13060 of 2026 Indiranathan Ilavalagan Proprietor of CHELLAPPA ENTERPRISES No.1/324, Arani to Chetpet Road, Sakthi Nagar, Arani, Tiruvannamalai - 632301. ..Petitioner(s) Vs

1. The Superintendent, office of superintendent of GST, Arni Bazaar Street, Arni - 632 301. Tiruvannamalai Range.

2. The Assistant Commissioner,

Commissionerate Chennai Outer, Vilupuram Division, Tiruvanamalai Range, No. 26/ 42, 2nd Floor, Gopal Pillaiyar Koil Street, Tiruvannamalai - 606601. ..Respondent(s) PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the

Order passed by the 1st respondent in Ref. No. ZA331123092305X dated

Page1 of 6 21.11.2023 and quash the same as illegal and consequentially restore the GST registration of Petitioner vide No. 33ACGPI9930B2ZW. For Petitioner(s): Mr.K.Aravintha Bharathi For Respondent(s): Mr.R.P.Pragadish, Senior Standing Counsel and Mr.J.Harikrishnan, Junior Standing Counsel

ORDER

Mr.R.P.Pragadish, learned Senior Standing Counsel takes notice for the Respondents.

2. This Writ Petition is being disposed of at the time of admission with the consent of the learned counsel for the Petitioner and the learned Senior Standing Counsel for the Respondents.

3. Both the learned counsel for the Petitioner and the learned Senior

Standing Counsel for the Respondents confirmed that the issue is squarely covered by the decision of this Court in Tvl.Suguna Cut Piece Center, Represented by its Authorized Signatory Vs. The Appellate Deputy Commissioner (ST) (GST), Salem and another, (2022) 99 GSTR 386 wherein, in Paragraph Nos.227 to 229, this Court has observed as under:- Page2 of 6

227. This is a fit case for exercising the power under Article 226 of the Constitution of India in favour of the petitioners by quashing the

impugned orders and to grant consequential relief to the petitioners. By doing so, the Court is effectuating the object under the GST enactment of levying and collecting just tax from every assessee who either supplies goods or service. Legitimate Trade and Commerce by every supplier should be allowed to be carried on subject to payment of tax and statutory compliance. Therefore, the impugned orders deserve to be quashed.

228. These petitioners deserve a chance and therefore should be

allowed to revive their registration so that they can proceed to regularize the defaults. The authorities acting under the Act may impose penalty with the gravity of lapses committed by these petitioners by issuing notice. If required, the Central Government and the State Government may also suitably amend the Rules to levy penalty so that it acts as a deterrent on others from adopting casual approach.

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 / 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. 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. Page4 of 6

4. The above said order will hold good to the present Writ Petition also.

Accordingly, this Writ Petition stands disposed of in terms of the directions contained in Tvl.Suguna Cut Piece Center case (referred to supra). No costs. Connected Writ Miscellaneous Petition is closed. 30-03-2026 Index: Yes/No (2/2)

Speaking/Non-speaking order

Neutral Citation: Yes/No GSA To

1. The Superintendent, office of superintendent of GST, Arni Bazaar Street, Arni - 632 301. Tiruvannamalai Range.

3. The Assistant Commissioner, Commissionerate Chennai Outer, Vilupuram Division, Tiruvanamalai Range, No. 26/ 42, 2nd Floor, Gopal Pillaiyar Koil Street, Tiruvannamalai - 606601. Page5 of 6 C.SARAVANAN J. GSA WP No. 11965 of 2026 AND WMP No.13060 of 2026 30-03-2026 (2/2) Page6 of 6

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