

HC: No Double Punishment: Late Fee or Penalty, Not Both

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REFER THE DECISION OF THE HON'BLE MADRAS HIGH COURT IN THE CASE OF

Tvl. Jainsons Castors & Industrial Products v. Assistant Commissioner (ST), Ekkatu Thangal Assessment Circle, Chennai *Citation: (2025) 98 GSTL 110*

Jainsons Castors & Industrial Products delayed filing of GST returns. For this lapse, the department imposed:

1. Late fees under Section 47, and
2. General penalty under Section 125.

The taxpayer argued:

“Both punishments are for the same default. The law doesn’t allow punishing twice for one mistake.”

The Madras High Court agreed.

The Court clarified:

- Section 47 specifically deals with late filing — by prescribing a late fee.
- Once that fee is charged, a general penalty under Section 125 cannot be piled on for the same delay.
- Otherwise, it would amount to double punishment for a single lapse.

 **Result:**

The penalty under Section 125 was set aside, leaving only the late fee under Section 47.