



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 6756 OF 2026 (T-RES)

BETWEEN:

MRS. FARHEEN BANU,
PROPRIETOR,
AGED ABOUT 44 YEARS,
M/S. STAR ELECTRICAL AND ENTERPRISES,
HAVING ITS PLACE OF BUSINESS AT
GROUND FLOOR, BUILDING NO.114/4,
AMC ROAD, NEAR GOVERNMENT SCHOOL,
KAVALBAIRASANDRA,
BENGALURU - 560 032.

...PETITIONER

(BY SRI. BHARATH KUMAR V., ADVOCATE)

AND:

1. SUPERINTENDENT OF CENTRAL TAX
RANGE-B, NORTH DIVISION 5,
HAVING OFFICE AT NO.59, 1ST FLOOR,
HMT BHAVAN, BELLARY ROAD,
BENGALURU - 560 032.
2. INSPECTOR OF CENTRAL TAX,
RANGE-B, NORTH DIVISION 5,



HAVING OFFICE AT NO.59, 1ST FLOOR,
HMT BHAVAN, BELLARY ROAD,
BENGALURU - 560 032.

...RESPONDENTS

(BY SRI. AKASH. B SHETTY, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED 30.01.2026 BEARING REFERENCE NO.ZA290126298031K, ISSUED BY THE RESPONDENT NO.1 UNDER RULE 21(E) OF THE CENTRAL GOODS AND SERVICE TAX RULES, 2017(ANNEXURE A) AND CONSEQUENTLY REMIT THE PRESENT MATTER TO THE STAGE OF SHOW-CAUSE CUM SUSPENSION NOTICE DATED 06.01.2026 (ANNEXURE C) REFERENCE NO. ZA290126028361R AND FURTHER DIRECT THE RESPONDENT NO.1 TO CONCLUDE THE PROCEEDINGS INITIATED VIDE SHOW-CAUSE CUM SUSPENSION NOTICE DATED 06.01.2026 (ANNEXURE A), STRICTLY IN ACCORDANCE WITH LAW.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

The petitioner has sought for setting aside of the order dated 30.01.2026 at Annexure-A which is an order of cancellation of registration.

2. Perused the order at Annexure-A. The ground made out for cancellation of registration of GST is wrongful availment of ITC in violation of provisions of Section 16 of the CGST/KGST Act, 2017.

3. Learned counsel for the petitioner submits that the order of cancellation was preceded by a showcause notice for cancellation of registration. Further submitted that an opportunity of personal hearing was granted and the petitioner had also made his reply to the showcause notice during the proceedings for personal hearing as regards to allegations of wrongful availment of ITC. It is submitted that the authority had quantified wrongful availment of Rs.64,05,566/- has having been availed from non-existing suppliers and that said ITC was ineligible in terms of Section 16 of CGST/SGST Act, 2017.



4 Learned counsel for the petitioner submits that the details of wrongful availment of ITC with reference to transactions and suppliers if furnished to the petitioner, the petitioner would make out a written reply and place his case before the authority. It is submitted that in absence of such material, the petitioner is not able to take his stand regarding the serious allegations made by the revenue. Accordingly, it is submitted that the earlier stand of the petitioner was not complete as there was no complete information.

5. While noticing the assertion of the petitioner that details of wrongful availment of ITC have not been furnished, it would be appropriate to set aside the order at Annexure-A and remit the matter for further enquiry to the stage of reply to show cause notice. The revenue, to furnish details including transactions allegedly of non-existing suppliers and all other details relating to wrongful availment of ITC. Upon such information being furnished, petitioner would be permitted to file an additional reply



and the authority may proceed further in accordance with procedure after following principles of natural justice. However, the order of suspension of registration of ITC would stand set aside. All other contentions are kept open.

6. In light of the order setting aside at Annexure-A, the appropriate steps to be taken for revival of petitioner's registration forthwith.

7. The petitioner to appear before respondent No.1 without further notice on 17.04.2026. Petitioner's stand to be taken as regards information, now, directed to be furnished.

8. Accordingly, petition is ***disposed of***. All other contentions are kept open.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE