

05.09.2022

Sl no. 4

Ct no. 2

P.M.

WPA 18117 OF 2022

Hamidul Gazi

- Vs -

State of West Bengal & Ors.

Mr. Avra Muzumder,
Mr. Binayak Gupta,
Mr. Suman Bhowmik

... for the petitioner

Mr. Anirban Ray, Ld. Govt. Pleader
Mr. T.M. Siddiqui,
Mr. N. Chatterjee,
Mr. V. Kothari

.... For the State

Heard learned counsel appearing for the parties.

Petitioner has filed this writ petition challenging the impugned order dated 10th May, 2022 passed by the respondent GST authority concerned rejecting the petitioner's application for cancellation of revocation of its registration, mainly on the ground that the detailed order of rejection of the aforesaid application of the petitioner was not uploaded in the official portal of the department and by the order of this Court Mr. Siddiqui, learned Additional Government Pleader was asked to produce relevant records to establish that the aforesaid detailed impugned order of rejection of the petitioner's application was uploaded to which admittedly he could not produce any document in Court to establish that the details of the aforesaid

impugned order was uploaded in the official portal of the department and considering such admitted factual position, I am of the view that the aforesaid impugned order dated 10th May, 2022 is not sustainable in law and accordingly the same is set aside and the matter is remanded back to the adjudicating authority concerned to pass a fresh order on the aforesaid application for revocation of the cancellation of its registration by passing a reasoned and speaking order and after giving an opportunity of hearing to the petitioner or his authorized representatives within four weeks from the date of communication of this order.

At the time of consideration of the aforesaid application, petitioner will be entitled to take all the points raised in this writ petition.

With this observation and direction this writ petition being WPA 18117 of 2022 is disposed of.

(Md. Nizamuddin, J.)