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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 15515/2024

M/S H S TRADERS .....Petitioner

Through: Mr. Pranay Jain and Mr. Karan Singh, Advs.

versus

PRINCIPAL COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX, EAST DELHI .....Respondent

Through: Ms. Monica Benjamin, SSC.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

<u>O R D E R</u>

% **07.11.2024**

<u>CM APPL. 65150/2024 (Ex.)</u>

Allowed, subject to all just exceptions.

The application stands disposed of.

<u>W.P.(C) 15515/2024</u>

1. The writ petitioner is aggrieved by the final order dated 10 July 2024 pursuant to which its application for revocation of cancellation of registration has come to be rejected. The record would reflect that the registration had come to be cancelled by way of an order dated 18 July 2023 with retrospective effect from 25 September 2022. The petitioner had thereafter moved an application seeking revocation of that cancellation on 26 September 2023.

2. By way of an order dated 22 May 2024, the respondent had proceeded to condone the delay which had been caused in the preferment of the revocation application. This was followed by the

issuance of a Show Cause Notice ["**SCN**"] dated 27 May 2024 which reads thus:

"**Form GST REG-23**

[See Rule 23(3)]

Reference Number: ZA070524229283M Date: 27/05/2024

To JAVED ALI
G/F, HOUSE NO J-2, JAMIA NAGAR, ABUL FAZAL ENCLAVE PART], New Delhi, THOKAR NO 4, South East Delhi, Delhi, 110025
GSTIN: 07EIEPA1225B1Z5
Application Reference Number (ARN): AA0709230685800
Date: 26/09/2023

Show Cause Notice for rejection of application for revocation of cancellation of registration

This has reference to your application dated 26/09/2023 regarding revocation of cancellation of registration. Your application has been examined and the same is liable to be rejected for the following reasons:

1 Reason for revocation of cancellation - Reason for revocation of cancellation - The reason entered for revocation of cancellation is not appropriate.

You are hereby directed to furnish a reply to the notice within seven working days from the date of service of this notice.

You are hereby directed to appear before the undersigned on 29/05/2024 at 15:40

If you fail to furnish a reply within the stipulated date or fail to appear for personal hearing on the appointed date and time, the case will be decided ex parte on the basis of available records and on merits.

Kindly refer the supportive document attached for case specific details."

It is thereafter that the final order of cancellation has come to be passed on 10 July 2024.

3. As we view the SCN which preceded the passing of the order impugned, we find that the only reason that stood recorded therein was that the respondents had not found the reasons disclosed as being

"appropriate". It is thus ex facie evident that the SCN was wholly cryptic and devoid of any reasons which may have weighed upon the respondents to come to the conclusion that the reason disclosed by the writ petitioner for cancellation of revocation was not found appropriate.

4. Viewed in that light, it is manifest that the failure on the part of the petitioner to have failed to file a response to that SCN was clearly irrelevant and otiose. We consequently and for all the aforesaid reasons, find ourselves unable to sustain the final order of rejection.

5. We, accordingly, allow the present writ petition and quash the order of 10 July 2024. The application for revocation of cancellation dated 26 September 2023 shall consequently stand revived to be examined by the respondent afresh and disposed of in accordance with law.

6. All rights and contentions of respective parties on merits are kept open.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

NOVEMBER 07, 2024/RW