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

\+ W.P.(C) 15770/2024

M/S SATNAM ENTERPRISE .....Petitioner
Through: Mr. Pranay Jain and Mr. Karan Singh, Advs.

versus

PRINCIPAL COMMISSIONER OF CENTRAL GOODS AND SERVICES TAX, NORTH DELHI .....Respondent
Through: Mr. Jatin Singh, SSC

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE DHARMESH SHARMA

O R D E R

% **28.11.2024**

1. We take note of the facts which have come to be recorded in our earlier order of 13 November 2024 and from which we gather that the Goods and Services Tax ["**GST**"] registration of the writ petitioner had been cancelled as far back as on 26 July 2022.

2. In the absence of any provision rendering the petitioner ineligible to apply for a fresh registration or viewing an earlier cancellation as a disqualification, we find no justification to entertain the challenge.

3. We also take note of the contents of a Circular issued by the Central Board of Indirect Taxes & Customs dated 28 March 2019 which has been placed for our consideration by Mr. Jain, learned counsel for the petitioner, and which makes the following provisions in respect of applications that may be moved on behalf of entities whose registrations may have been cancelled earlier.

4. Our attention was specifically drawn to Paras 4 and 5 which read as under:-

> "**4.** It is hereby instructed that the proper officer may exercise due caution while processing the application for registration submitted by the taxpayers, where the tax payer is seeking another registration within the State although he has an existing registration within the said State or his earlier registration has been cancelled. It is clarified that not applying for revocation of cancellation of registration along with the continuance of the conditions specified in clauses (b) and (c) of sub-section (2) of section 29 of the CGST Act shall be deemed to be a "deficiency" within the meaning of sub-rule (2) of rule 9 of the CGST Rules. The proper officer may compare the information pertaining to earlier registrations with the information contained in the present application, the grounds on which the earlier registration(s) were cancelled. The data may be verified on common portal by fetching the details of registration taken on the PAN mentioned in the new application vis-à-vis cancellation of registration obtained on same PAN is displayed on the common portal to both the applicant and the proper officer. Further, if required, information submitted by applicant in S.No.21 of **FORM GST REG-01** regarding details of proprietor, all partner/Karta/Managing Directors and whole time Director/members of Managing Committee of Associations/Board of Trustees etc. may be analysed vis-à-vis any cancelled registration having same details.
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> **5.** While considering the application for registration, the proper officer shall ascertain if the earlier registration was cancelled on account of violation of the provisions of clauses (b) and (c) of sub-section (2) of section 29 of the CGST Act and whether the applicant has applied for revocation of cancellation of registration. If proper officer finds that application for revocation of cancellation of registration has not been filed and the conditions specified in clauses (b) and (c) of sub-section (2) of section 29 of the CGST Act are still continuing, then, the same may be considered as a ground for rejection of application for registration in terms of sub-rule (2) read with sub-rule (4) of rule 9 of CGST Rules. Therefore, it is advised that where the applicant fails to furnish sufficient convincing justification or the proper officer is not satisfied with the clarification, information or documents furnished, then, his application for fresh registration may be considered for rejection."

We fail to construe the stipulations contained therein as disabling the writ petitioner from applying for registration afresh.

5. In view of the above, we dispose of the writ petition by providing that in case the writ petitioner applies for the grant of a fresh registration under the Central Goods and Services Tax Act, 2017 [“**Act**”], the same shall be duly examined and disposed of in accordance with law.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 28, 2024/DR