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

\+ W.P.(C) 16804/2024

M/S MEENAKSHI STEELS .....Petitioner

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

versus

PRINCIPAL COMMISSIONER OF GOODS AND SERVICES TAX, WEST DELHI .....Respondent

Through: Mr. Aakarsh Srivastava, SC with Mr. Anand Pandey, Advs.

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

O R D E R

% 05.12.2024

CM APPL. 71104/2024 (Ex.)

Allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) 16804/2024

1. The writ petitioner seeks to impugn orders dated 03 August 2022 and 12 August 2022 in terms of which its Goods and Services Tax ["**GST**"] registration has come to be cancelled.

2. Bearing in mind the evident laches and the fact that the statute creates no bar to the writ petitioner applying for registration afresh, we find no ground to entertain the writ petition or consider grant of the writs as prayed for.

3. We also bear in mind the following stipulations contained in Circular dated 28 March 2019 issued by the Central Board of Indirect

Taxes and Customs:-

> "**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."

4. As is evident from the provisions made in that Circular, an

entity whose registration may have been cancelled in the past is not rendered ineligible to apply afresh. The authorities are merely cautioned to adopt appropriate care and scrutiny while dealing with such applications.

5. In view of the above, we dispose of the writ petition subject to liberty being reserved to the writ petitioner to apply fresh.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

DECEMBER 05, 2024/DR