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08.08.2025
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Ct.5.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 15766 of 2025

Sagorika Sarkar
Versus
Union of India & Ors.

Mr. Promit Majumder
Ms. Rupomita Ghosh

... For the petitioner

Mr. Abhradip Maity

... For the respondents.

1. Affidavit of service filed in Court is taken on record.
2. Despite service since the respondents are not represented, I direct Mr. Abhradip Maity, learned advocate who usually appears on behalf of the respondents and is present in Court to appear on behalf of the respondents. Let his appointment be regularized.
3. The instant writ petition has been filed inter alia praying for revocation of the order of cancellation of the petitioner's registration and for restoration thereof.
4. Mr. Majumder, learned advocate appearing in support of the writ petition would submit that the petitioner is interested to continue with the business and is agreeable to comply with the provisions of the said Act and to pay the outstanding tax, interest, penalty and fine as may be applicable.

5. Having heard the learned advocates appearing for the respective parties, it would transpire that pursuant to a show cause notice, the aforesaid order of cancellation of registration was issued on the ground of non-furnishing of returns under Section 39 of the said Act.

6. I find in this case that the registration of the petitioner had been cancelled on the ground of non-filing of returns. It is not the case of the petitioner that the petitioner had been adopting dubious process to evade tax. Taking note of the fact that the suspension/revocation of registration would be counterproductive and works against the interest of the revenue since, the petitioner in such case would not be able to carry on his business in the sense that no invoice can be raised by the petitioner and ultimately would impact recovery of tax, I am of the view that the respondents should take a pragmatic view in the matter and permit the petitioner to carry on his business.

5. Having regard to the aforesaid, I propose to set aside the order of cancellation dated 6th August, 2024, subject to the condition that the petitioner files the returns for the entire period of default and pays requisite amount of tax, interest, penalty and fine as may be applicable.

6. It is made clear that if the petitioner complies with the directions/conditions noted above within four weeks from date of receipt of the server copy of this order, the petitioner's registration under the said Act shall be

restored by the Jurisdictional Officer. However, if the petitioner fails to comply with the directions as aforesaid, the benefit of this order will not enure to the petitioner and the writ petition would stand automatically dismissed.

7. For the purpose of compliance of the above directions, the respondents are directed to activate the petitioner's portal and login credentials within one week from date so that the petitioner can file his returns, pays requisite amount of tax, interest, fine and penalty.

8. As a sequel thereto, the order dated 5th November, 2024 rejecting the application for revocation of cancellation is also set aside.

9. With the above observations and directions, the writ petition is disposed of.

10. Parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Hon'ble Court.

11. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

(Raja Basu Chowdhury, J.)