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

\+ W.P.(C) 2578/2025

M/S. OCEAN KING .....Petitioner

Through: Ms. Anjali Jha, Ms. Priyadarshi, Mr. Jatin Kumar, Advs.

versus

SALES TAX OFFICER CLASS-II/AVATO .....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

% **28.02.2025**

1. This writ petition has been preferred seeking the following reliefs: -

> "(a) Issue a writ, order or direction in the nature of certiorari to quash/set aside the Show Cause Notice for cancellation of registration dated 08.01.2025 vide Reference No. ZA070125038858A, issued by Sales Tax Officer Class-II/AVATO, in Form GST REG-17; and/or
>
> (b) Issue a writ, order or direction in the nature of certiorari to quash/set aside the order dated 08.01.2025 bearing Reference No. BL0701250000111, whereby electronic credit ledger of the Petitioner has been blocked by the Sales Tax Officer Class-II/AVATO; and/or
>
> (c) Issue a writ, order or direction in the nature of mandamus to direct the Respondents to unblock the electronic credit ledger of the Petitioner, which has been blocked by the Sales Tax Officer Class- II/AVATO;
>
> (d) Grant cost of the petition; and

e) Pass such other order or further order or orders as this Hon 'ble Court may deem fit and proper under the circumstances of the case."

2. As we read the impugned Show Cause Notice ["**SCN**"], we find that the respondents principally base their proposed action of cancellation and blocking of the Electronic Credit Ledger ["**ECL**"] on a communication dated 06 January 2025. That document forms part of our record as Annexure P-8.

3. From a reading of the aforesaid communication, we find that the respondents assert that during the course of a survey visit they found that no activities were being undertaken from the declared principal place of business. This also stands reiterated in the *Panchnama* which was drawn on 04 January 2025 and which also records the statement of independent witnesses who are asserted to have deposed that they had not seen the premises being utilized for the conduct of business.

4. Bearing in mind the nature of allegations which are leveled, we find no justification to entertain the writ challenge. This, more so, when we view the reply which was submitted by the petitioner to the SCN and where all that is stated is that it would be willing to join the investigation. There is thus, presently and on our record, no substantive response to the SCN which had been issued against the writ petitioner.

5. We, consequently, dispose of the writ petition by according liberty to the petitioner to file a supplementary reply to the SCN, if so chosen and advised, within a period of two weeks from today.

6. Any reply that may be so furnished may be duly examined and disposed of with due expedition by the respondents bearing in mind the fact that the ECL stands blocked from 08 January 2025. The

respondent shall endeavor to conclude the SCN proceedings preferably within a period of three weeks from today. The orders impugned herein shall abide by the fresh decision that the respondents would take. All rights and contentions of respective parties are kept open.

7. The writ petition shall stand disposed of on the aforesaid terms.

YASHWANT VARMA, J.

HARISH VAIDYANATHAN SHANKAR, J.

FEBRUARY 28, 2025/neha