IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 984 OF 2026

Jeevach Coating ...Petitioner
Vs
The Deputy Commissioner of State Tax & Ors. ...Respondents

Mr. Sudhanshu Sawant h/f. Mr. R.B. Mungekar for the petitioner.
Ms. Jyoti Chavan, Addl. G.P. for the State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.
DATE: 18 MARCH 2026.

P.C.

1. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:

> "a. To issue a writ of mandamus or any other appropriate writ or direction to Respondent No. 1 to kindly quash and set aside the Impugned Order-in-Appeal bearing reference no. DC/APP-100 l/GSTIN-27 ABXPY9513ElZU/2024-25/B-408 Mumbai dated 26.03.2025 rejecting the appeal filed by the Petitioner for revival of GST registration;
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> b. That this Hon'ble Court be pleased to issue a Writ of Mandamus or Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction directing Respondent No. 2, their servants, subordinates and agents:
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> i. To· withdraw the Impugned Order dated 26.03.2025 passed by the Respondent No. 2 (Exhibit 'A' hereto) along with the the Rejection Order dated 12.01.2024 (Exhibit 1.D' hereto) and thereby restore GST registration bearing no: GSTIN-27ABXPY9513ElZU
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> ii. To Further direct the Respondents to allow the Petitioner to file subsequent GST Returns;
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> c. That this Hon'ble Court may kindly restore the Petitioner's GST registration no. i.e : GSTN 27 ABXPY9513ElZU."

2. As clearly seen from the prayers, the grievance of the petitioner is in regard to the order in appeal dated 26 March, 2025 passed by respondent no. 1 whereby

the petitioner's appeal against cancellation of the petitioner's GST registration is held to be not maintainable, as there is no jurisdiction in respondent no. 1 to condone delay within one month after lapse of 3 months from the date of communication of the order dated 12 January, 2024 when the petitioner's registration was cancelled. The petitioner accordingly has assailed the order dated 12 January, 2024 passed by respondent no. 2 cancelling the petitioner's GST registration, also contending that it is a non-speaking order.

3. The necessary facts are required to be noted: The petitioner had applied for GST registration, which was granted. It is the petitioner's case that the petitioner was regularly filing GST returns since inception. It is contended that all taxes till May 2023 were paid. On 21 December, 2023, intimation of suspension and notice for cancellation was issued to the petitioner by respondent no. 2 on the ground of failure to furnish returns for continuous period of six months. The petitioner was directed to furnish reply within 30 days from the service of said notice as to why registration should not be cancelled. It is the petitioner's case that time of seven working days from the date of service of the show cause notice was granted to the petitioner to reply. A personal hearing was scheduled on 2 January, 2024. However, the petitioner could not appear for hearing for the bonafide reasons as set out in the memo of the petition, which we do not intend to delve into, suffice it to observe that the impugned order was passed in Form GST REG-19, cancelling the petitioner's GST registration on the sole reason that no reply to this show cause notice was submitted and accordingly the effective date of cancellation of registration was declared to be 31 May, 2023.

The petitioner, being aggrieved by the order dated 12 January, 2024 cancelling the GST registration, approached the Appellate Authority by filing an appeal, which has been rejected by the impugned order dated 26 March, 2025.

4. The Appellate authority in the impugned order has observed that the petitioner has filed appeal against the order dated 12 January, 2024 on 12.02.2025, which was filed after a period of three months, as prescribed by sub-section (1) of Section 107 of the GST Act,2017, from the day the said order was served on the petitioner, i.e., on the same day it was uploaded on the GSTN Portal on the even date. Referring to the provisions of Section 107(1) and 107(4), it is held that the petitioner should have filed the appeal against the said order within three months from the receipt of the order or even if the same was to be filed within the extended period of one month, the delay could have been condoned on the basis of sufficient cause being shown to the Appellate Authority. Accordingly, it is held that there being no power to condone the delay, the Appellate Authority had thought it appropriate to reject the petitioner's appeal following the provisions of Section 107, 169(1)(d) r/w Rule 142(5) of CGST Act and Rules. It is in these circumstances, the present petition is filed.

5. Learned counsel for the petitioner has submitted that this is a fit case where a relief of restoration of the registration needs to be granted and more particularly considering the provisions of law as laid down in several decisions of this Court. In such context, reliance is placed on the decision of this Court in

Stanley Aphonsus D'silva vs. State of Maharashtra & Ors.[1], **M/s. Parmatma Steel Centre (a proprietorship concern of Mr. Jitendra Mohanlal Jain) vs. The State of Maharashtra & Ors.**[2] as also the recent decision in **Kishore Nichani vs. The Union of India & Ors.**[3] and a decision of a co-ordinate Bench of this Court in **Azaria Corp. LLP vs. The Deputy Commissioner of State Tax & Anr.** as referred to in **Kishore Nichani vs. The Union of India & Ors.** (supra). He submitted that there were bonafide reasons for not filing the appeal and therefore, cancellation of registration itself is prejudicial as held by this Court. It is also his submissions that cancellation of registration although has adversely affected the petitioner, however, the same shall also affect the revenue as held by this Court. In this view of the matter, he submits that as the hands of the Appellate Authority were tied in not condoning the delay and allowing the appeal, it would be necessary for this Court to exercise jurisdiction under Article 226 of the Constitution and grant reliefs to the petitioner.

6. On the other hand, Ms. Chavan would oppose the petition by supporting the impugned order to submit that necessarily issues as involved certainly would require a fair view to be taken and in merits the petitioner's case otherwise could have been considered.

7. Having heard learned counsel for the parties and having perused the record, at the outset, we note the following observations as made by the Court in

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1 WPL/29525/2024 decided on 17 March, 2025

2 WPL/23875/2023

3 Writ Petition No. 4211 of 2025 decided on 27 January, 2026

Kishore Nichani (supra) in dealing with said issues:

> "11. There are two fundamental issues which would arise from the conjoint reading of the provisions/rules, firstly, on the grounds which are provided under the provisions of Section 29, it would empower the GST authorities to cancel registration. The cancellation of registration, however, certainly involves civil consequences as it would have an adverse effect on the assessee undertaking its business activities. It is for such reason that the second proviso to Section 29 provides that the officer shall not cancel the registration without giving an opportunity of being heard. Therefore, any action on the part of the authority not adhering to the proviso i.e. not affording an opportunity of being heard, would, per se, be in the teeth of Section 29, hence void ab initio. Further, Section 30 which provides for revocation of cancellation of registration authorizes the concerned tax authority to revoke cancellation of registration of an assessee on fulfilling the requisite conditions which are specified and recognized by such provision. Also an application for restoration of the registration is required to be decided, inter alia, after granting an opportunity of being heard to the assessee whose registration is cancelled. Thus, it is not the case that authorities are powerless to pass an order of revocation of cancellation of registration. Sufficient provision in law has been made and such powers are required to be exercised in appropriate cases and in the manner as provided by law and in the facts and circumstances of the case would warrant. However, we find that all these issues are not taken into consideration as in the present case and such matters unwarrantedly reach the Court. In the facts of the present case, the Revenue has taken a clear position that there are no tax dues, as all the demands have stood satisfied.
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> 12. The Courts have consistently taken a view that keeping such registration cancelled and/or not revoking the cancellation of registration, does not enure to the benefit of the Revenue, apart from the prejudice which would be caused to the person whose registration has been cancelled. In Azaria Corp LLP Vs. The Deputy Commissioner of State Tax (MUM-VAT-E-809) and another (supra) relied on behalf of the Petitioner, in such context, the Court observed thus :
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>> "11. In the decisions relied upon by the Petitioner, the common thread was that the restoration of the registration would benefit the Petitioner as well as the Revenue. The Petitioner would be able to undertake its business and pay GST in terms of the law. A permanent cancellation and that too for failure to file returns or pay dues, may not be in the interest of either the Petitioner or the Respondents. In this case, as noted earlier, the Petitioner has prima facie made amends by paying the entire dues, interest and late fees.
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>> 12. If, in addition to what has been paid by the Petitioner, any further amount towards penalty, etc. are found to be due, the Respondents can always intimate this fact to the Petitioner, and the Petitioner can pay the additional amount within 15 days from the receipt of such intimation. However, to permit the registration to remain cancelled permanently does appear to be disproportionate at least in the facts of the present case.

> 14. We may also refer to the decision of the Orissa High Court in the case of Bimal Kishore Sahu Vs. Additional Commissioner, GST (Appeals), BBSR & anr , where, reliance was placed on another decision of the Coordinate Bench of the Orissa High Court in the case of Mohanty Enterprises Vs. The Commissioner CT & GST Odisha and registration was restored after condoning the delay in payments of all dues."

> 13. Also Stanley Aphonsus D'silva Vs. State of Maharashtra , was a case where registration of the assessee was cancelled for non-filing of returns for more than six months and when the assessee was ready and willing to pay all dues along with interest on the same, the registration of the assessee was directed to be restored by the Division Bench of this Court. A similar view was taken by another coordinate Bench of this Court in Paramatma Steel Centre Vs. State of Maharashtra . We may also refer to the decision of the learned Single Judge of the Madras High Court in the case of TVL. Saguna Cutpiece Center Vs. Appellate Deputy Commissioner (ST) (GST), Salem , wherein the Madras High Court was dealing with a case of cancellation of registration and the application for revocation on the cancellation. In such context, referring to the relevant circulars and the notification, the Court held that the purpose of GST registration is only to ensure that just tax gets collected and not to debar or de-recognise assessees from returning back into the GST fold. It was held that the GST enactment cannot be interpreted so as to deny the right to carry on trade and commerce. The Court in the adjudication also referred to the provisions of Rule 23 providing for Revocation of cancellation of registration and the Circulars issued in that regard by the Central Board of Indirect Tax and Customs dated 22nd December 2020."

8. On perusal of the record, it appears that there were certainly bonafide reasons for the petitioner not to file the returns. However, this ought not to come in the way of the petitioner in losing its registration. The reasons being due to internal conflicts in the family and the petitioner required to be away from the country. Also we find substance in the contentions are urged on behalf of the petitioner that the Appellate Authority could not have condoned the delay beyond the statutory stipulations on limitation and entertained the appeal.

9. In the aforesaid circumstances, following the mandate of law as laid down in the decisions as discussed by us hereinabove, we are of the opinion that the petition needs to succeed. We are accordingly inclined to allow the petition in

terms of the following order:

ORDER

(i) The impugned order dated 12 January, 2024 is quashed and set aside. The Competent authority is directed to restore the GST registration of the petitioner within two weeks from the day a copy of this order is available.

(ii) As a consequence of the aforesaid direction, the Appellate Authority order would also required to be quashed and set aside. Accordingly, the order dated 26 March, 2025 passed by respondent no.1 stands quashed and set aside.

(iii) The petitioner is permitted to comply with all other obligations under the CGST Act within a period of two months from today.

(iv) All contentions of the parties in that regard are expressly kept open.

10. Disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.) **(G. S. KULKARNI, J.)**

Signed by: Vidya S. Amin
Designation: PS To Honourable Judge
Date: 27/03/2026 10:44:17