**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.323

CWP-31096-2025
Date of decision: 19.05.2026

M/s Mahavir Metal Company ....Petitioner

Versus

State of Punjab and others ....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. J.S. Bedi, Advocate
for the petitioner.

Mr. Saurabh Kapoor, Addl. A.G., Punjab.

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DEEPAK SIBAL, J. (Oral)

1. It is not disputed that the impugned order dated 01.09.2025 through which the petitioner's GST registration was retrospectively cancelled was not preceded by a show cause notice through which the petitioner was informed that its GST registration was sought to be retrospectively cancelled.

2. In the light of the above admitted factual position, the petitioner's case is fully covered in its favour by the following observations made by a Division Bench of this Court in the judgment dated 20.02.2026 in *CWP-16770-2024 – M/s Bansal Casting vs. Union of India and another*, wherein it has been held as follows: -

> *"13. Undoubtedly, there is a provision for retrospective cancellation of registration in terms of Section 29 of CGST Act,*

> *subject to the provisions as contained therein. It is apposite to note that while such power of retrospective cancellation of registration is definitely conferred, it is apparent that such action can be taken only upon existence of specific contingencies and that an order under Section 29(2) of CGST Act must definitely reflect the reasons for such cancellation with retrospective effect. Furthermore, it is a basic, accepted and settled principle that concerned authority is enjoined upon to put the assessee to notice of the action which is intended to be taken and reasons or the premise on which such action is sought to be taken. Hon'ble the Supreme Court in ORYX Fisheries Pvt. Ltd. Vs. Union of India and others, 2010(13) SCC 427, has held as under:-*
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> > *"24. It is well settled that a quasi-judicial authority, while acting in exercise of its statutory power must act fairly and must act with an open mind while initiating a show cause proceeding. A show cause proceeding is meant to give the person proceeded against a reasonable opportunity of making his objection against the proposed charges indicated in the notice.*
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> *14. Thus a show cause notice must contain the basic grounds or premises on which action is sought to be taken. In the present matters, it was incumbent upon authorities to have put petitioners to notice about the proposal to take action against them with retrospective effect and supply or at least mention the material on which reliance was placed. Moreover, once mentioned in show cause notice itself, that supporting documents are attached, such material should have been supplied to petitioners."*

3. Learned State counsel has not been able to distinguish the applicability of M/s Bansal Casting's case (supra) to the petitioner's case.

4. In the light of the above, the impugned order dated 01.09.2025 (Annexure P-4) through which the petitioner's GST registration was

retrospectively cancelled is set aside with liberty to the respondents to proceed afresh against the petitioner, in accordance with law.

5. The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

May 19, 2026
Jyoti 1

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*