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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 19<sup>th</sup> May, 2025***

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**W.P.(C) 6691/2025****RASI INNOVATION PVT LTD**

.....Petitioner

Through: Mr. Puneet Rai & Ms. Srishti Sharma,  
Advocates.

versus

**SUPERINTENDENT, WARD 84, DELHI GST  
& ANR.**

.....Respondents

Through: Ms. Monica Benjamin SSC with Ms.  
Nancy Jain, Advocate.  
Mr. Sumit K Batra, Advocate.**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE RAJNEESH KUMAR GUPTA****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.

**CM APPL. 30348/2025(for exemption)**

2. Allowed, subject to all just exceptions. Application is disposed of.

**W.P.(C) 6691/2025**3. The present petition has been filed by Petitioner – Rasi Innovation Pvt. Ltd. under Article 226 & 227 of the Constitution of India challenging the order dated 23<sup>rd</sup> May, 2024 (*hereinafter, 'the impugned order'*) by which the Goods and Service Tax Registration (*hereinafter, 'GST Registration'*) of the Petitioner has been cancelled with retrospective effect from 10<sup>th</sup> May 2018.4. The Petitioner was issued a show cause notice dated 10<sup>th</sup> March, 2023 (*hereinafter, 'the SCN'*) in respect to the cancellation of its GST Registration.



However, no reply was filed by the Petitioner to the SCN.

5. The case of the Petitioner, as per Mr. Rai, Id. Counsel for the Petitioner is that the GST registration was obtained by the Petitioner on 9<sup>th</sup> May, 2018. Thereafter, some time in September, 2022 the Petitioner's Director, Mr. Rakesh Jain was suffering from ill health and was unable to file the GST Returns. It is further submitted that GST Returns were thereafter duly filed till March, 2023.

6. It is submitted that the Petitioner is aggrieved by the retrospective cancellation of the GST Registration.

7. Ms. Benjamin, Id. SSC for the Respondent-Department submits that an order of GST Registration cancellation is usually given effect from the date of issuance of show cause notice. In this case, since the GST Returns were not filed by the Petitioner, the retrospective cancellation may have been undertaken.

8. A perusal of the SCN dated 10<sup>th</sup> March, 2023 shows as under:



To

Registration Number (GSTIN/Unique ID): 07AAICR9208G1Z7

RASI INNOVATION PRIVATE LIMITED

Prop No 45-D,I/F Village, Hasanpur,Kh No. 53/2/1,,I P Extension, Delhi,East Delhi,Delhi,110092

**Show Cause Notice for Cancellation of Registration**

Whereas on the basis of information which has come to my notice, it appears that your registration is liable to be cancelled for the following reasons:

- 1 Non compliance of any specified provisions in the GST Act or the Rules made thereunder as may be prescribed

You are hereby directed to furnish a reply to the notice within seven working days from the date of service of this notice.

You are hereby directed to appear before the undersigned on 22/03/2023 at 04:49 PM

If you fail to furnish a reply within the stipulated date or fail to appear for personal hearing on the appointed date and time, the case will be decided ex parte on the basis of available records and on merits .

Please note that your registration stands suspended with effect from 10/03/2023

As can be seen, the reason given for cancellation is as under:

***“Non-compliance of any specified provisions in the GST Act or the Rules made thereunder as may be prescribed:”***

9. In the opinion of this Court, the alleged violation, as stated in the SCN is completely incomprehensible as it generally alleges non-compliance of unspecified provisions of the GST Act and Rules. There is no specific Section or Rule mentioned. In such a case, it is impossible for any assessee to figure out as to which provision has been violated and as to what reply ought to be given. The GST official issuing such notice ought to be careful to mention the specific provision of the GST Act and Rule of which violation is alleged. It is only then that the Assessee can give a proper reply to such a show cause notice.

10 Hence, the SCN is in fact completely untenable in law as there is no clarity as to the aspect on which the assessee has to show cause.



11. The Petitioner has also handed across the statement showing the GST Returns that have been belatedly filed :

Financial Year	Tax Period	Date of Filing	Status
2022-2023	March	18/04/2023	Filed
2022-2023	February	16/03/2023	Filed
2022-2023	January	17/02/2023	Filed
2022-2023	December	19/01/2023	Filed
2022-2023	November	20/12/2022	Filed
2022-2023	October	17/11/2022	Filed
2022-2023	September	19/10/2022	Filed
2022-2023	August	17/09/2022	Filed
2022-2023	July	29/08/2022	Filed
2022-2023	June	21/07/2022	Filed

Financial Year	Tax Period	Date of Filing	Status
2022-2023	March	07/04/2023	Filed
2022-2023	February	04/03/2023	Filed
2022-2023	January	07/02/2023	Filed
2022-2023	December	06/01/2022	Filed
2022-2023	November	05/12/2022	Filed
2022-2023	October	08/11/2022	Filed
2022-2023	September	08/10/2022	Filed
2022-2023	August	08/09/2022	Filed
2022-2023	July	09/08/2022	Filed



2022-2023	June	08/07/2022	Filed
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12. Under these circumstances and in view of the medical exigency faced by the Director, it is held that the cancellation of GST Registration of the Petitioner shall only be with effect from 10<sup>th</sup> March, 2023. The Petitioner has no objection to the same as the Petitioner is no longer carrying on the business.

13. The GST Department Officials ought to be careful not to issue such ambiguous show cause notices in future.

14. Let a copy of this order be circulated to all the GST Commissionerates and the concerned Superintendents of the various wards of the DGST department so that it can be ensured that such show cause notices, that do not mention any specific provisions are not issued in future.

15. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH**  
**JUDGE**

**RAJNEESH KUMAR GUPTA**  
**JUDGE**

**MAY 19, 2025/da/ss**