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

Date of decision: 6th October, 2025

+ **W.P.(C) 11206/2025 & CM APPL. 46049/2025**

NAMDHARI TIMMBER PVT LT THROUGH DIRECTOR VAJEER
SINGHPetitioner

Through: Ms. Ekta Kumari, Adv.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Akshay Amritanshu, SSC with
Ms. Drishtri Rawal, Mr. Mayur Goyal,
Mr. Sarthak Srivastava, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, assailing the order dated 5th March, 2025 (*hereinafter, 'impugned order'*) passed by the Respondent No. 3 and the Show Cause Notice dated 28th November, 2024 (*hereinafter, 'SCN'*) which led to the passing of the impugned order.
3. The Petitioner in this case challenges the retrospective cancellation of the Goods and Service Tax Registration (*hereinafter, 'GST Registration'*) of the Petitioner which has been directed *vide* the impugned order dated 05th March, 2025 w.e.f. 1st July, 2017.
4. Ld. Counsel for the Petitioner submits that the Petitioner has no objection if the GST Registration cancellation is given effect from the date of the issuance of the SCN i.e. from 28th November 2024.



5. The counter affidavit has been filed in this matter, as per which the stand of the Respondent Department is that no reply was filed by the Petitioner to the show cause notice dated 3rd October, 2023 which was issued by the Department after an application was filed by the Petitioner seeking amendment of its principal place of business.

6. Thereafter, an *ex-parte* order was passed on 2nd May, 2024, rejecting the application for amendment of the principal place of business on the ground that no documents had been placed on record by the Petitioner.

7. The SCN was then issued to the Petitioner on 28th November, 2024, for cancellation of the GST Registration of the Petitioner, stating that as per the information received from the Assistant Commissioner (AE), CGST, West, a physical inspection was carried out at the Petitioner's principal place of business and the same was found to be non-existent. A time period of seven days was granted to the Petitioner to file a reply to the SCN.

8. However, the Petitioner neither filed any reply to the SCN, nor appeared for personal hearing. Accordingly, the GST Registration of the Petitioner was then suspended *vide* the impugned order and was given retrospective applicability w.e.f. 1st July, 2017.

9. Heard. It is a settled position in law that if a SCN does not contemplate retrospective cancellation of GST Registration, the cancellation cannot be given retrospective effect. This position has been reiterated by this Court in various decisions including in '*Subhana Fashion v. Commissioner Delhi Goods and Service Tax (W.P. (C) 12255/2024*}', '*M/S Balaji Industries v. The Principal Commissioner CGST Delhi North Commissionerate & Anr. (W.P.(C) 11913/2024*)' and '*Ridhi Sidhi Enterprises v. Commissioner of Goods & Service Tax (CGST), South Delhi & Anr. (W.P.(C) 8061/2024*}'.



10. Accordingly, the retrospective cancellation of the GST Registration of the Petitioner is set aside. This would, however, be without any prejudice to the rights of the Department to take any action if the Petitioner was found to be non-existent or on any other grounds that could warrant the issuance of a fresh show cause notice.

11. At this stage, Id. Counsel for the Petitioner points out that in the de-sealing memo issued by the Department of Trade and Taxes on 16th April, 2024, the premises of the Petitioner was de-sealed. This itself proves the fact that the Petitioner was existing at the relevant place of business.

12. Under these circumstances, in case a fresh SCN is issued, the Petitioner may bring this fact to the notice of the Department who shall then proceed in accordance with law.

13. The impugned cancellation order is set aside in the above terms.

14. The present petition is disposed of. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

OCTOBER 6, 2025/kp/ss