

**[2022] 141 taxmann.com 263 (Allahabad)[05-08-2022]**

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**GST : Where without relying upon any report or any inquiry, show cause notice issued to petitioner alleging that 'taxpayer was found non-functioning/non-existing at principal place of business' and application for revocation of cancellation of registration was rejected without recording any reasons; registration of petitioner was directed to be renewed forthwith; petitioner was harassed therefore, State Government was liable to pay cost of Rs. 50,000 to petitioner**



**[2022] 141 taxmann.com 263 (Allahabad)**

**HIGH COURT OF ALLAHABAD**

**Drs Wood Products**

**v.**

**State of U.P\***

**PANKAJ BHATIA, J.**

**WRIT - C NO. - 21692 OF 2021**

**AUGUST 5, 2022**

**Registration - Revocation of cancellation of - Show-cause notice was issued to petitioner alleging that it's GST registration was liable to be cancelled as 'taxpayer found non-functioning/not existing at principal place of business' -Said SCN did not propose to rely upon any report or any inquiry conducted to form opinion or any basis on which allegation levelled and also not indicating as to when inspection was carried - Show cause notice was vague and clearly violative of principles of administrative justice -**

**Application for revocation of cancellation of registration was rejected without recording any reasons and disclosed absence of application of mind - Request of petitioner to adjourn matter because of his daughter's marriage was not even considered prior to passing of rejection order - Evidence was produced by petitioner to support that commercial activity was carried out by petitioner, was also not considered - Order cancelling petitioner's registration was set aside and registration of petitioner was to be renewed forthwith - Arbitrary exercise of power cancelling registration in this manner had adversely affected petitioner - Assessee, had been harassed since 20-5-2020 - State Government was liable to pay a cost of Rs. 50,000 to petitioner [Section 30 of Central Goods and Services Tax Act, 2017/Uttar Pradesh Goods and Services Tax Act, 2017] [Paras 18 to 20 and 23] [In favour of assessee]**

**Alok Singh and Suyash Agarwal *for the Petitioner.* C.S.C. and Digvijay Nath Dubey *for the Respondent.***

## **ORDER**

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\*In favour of assessee.