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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 21st November, 2025
Uploaded on: 24th November, 2025

+ W.P.(C) 17699/2025& CM APPL. 73120/2025

MS IMAGINE MARKETING LIMITEDPetitioner

Through: Mr. Ashwini Chandrasekaran, Ms. Priyanka Rathi and Ms. Priyanshi Chakraborty, Advs.

versus

JOINT COMMISSIONER CGST APPEALS II DELHI & ANR.

.....Respondents

Through: Ms. Anushree Narain, SSC

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

Prathiba M. Singh, J.(ORAL)

1. This hearing has been done through hybrid mode.

CM APPL. 73120/2025(exemption)

2. Allowed, subject to just exceptions. Application accordingly disposed of.

W.P.(C) 17699/2025

3. The present petition has been filed by the Petitioner under Articles 226 and 227 of the Constitution of India, *inter alia*, challenging the Order for Cancellation of Registration dated 26th November, 2024 (hereinafter, '*impugned order*') passed by the Superintendent, Range-56.

4. The present petition reveals a sad situation where a reputed company is being made to deal with an unjustified cancellation of its GST registration. The Petitioner company is the parent company of audio and wearable brand



'boAt' which is located at H No. 19 Village Hauz Khas, New Delhi-110016 (hereinafter, 'premises'). The Petitioner has continuously entered into lease deeds with the owners *i.e.*, Shri Bhim Singh and Shri Satpal Singh from 2019 onwards. For some period, the Petitioner company had leased various floors of this premises, however, it is stated that due to downsizing in the year 2024, it had only entered a lease for the second floor of the premises.

5. A Show Cause Notice (hereinafter, 'SCN') was issued to the Petitioner on 15th October, 2024. The said SCN reads as under:

“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. *returns furnished by you under section 39 of the Central Goods and Services Tax Act, 2017*

Others

Non Existence

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

*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 “

6. The above SCN did not give any reasons but barely made two statements as under:

In respect of the said SCN, 30 days were given to the Petitioner to file a reply. However, the Petitioner filed a reply within two weeks itself *i.e.*, on



28th October, 2024 and gave all the details including the rent agreements of the Petitioner and the returns for the last three months.

7. Despite all the detailed documents having been furnished within the time stipulated, the impugned order is passed with one remark to the following effect:

“ Order for Cancellation of Registration

This has reference to show cause notice issued dated 15/10/2024.

Whereas reply to the show cause notice has been submitted vide AA071 024036440T dated 07/11/2024; and whereas, the undersigned on examination of your reply to show cause notice and based on record available with this office is of the opinion that your registration is liable to be cancelled for following reason(s):

I. Others

Remarks:

At the time of physical verification, found existent at the give principle place of business, your reply is not considerable so your registration has been cancelled.

The effective date of cancellation of your registration is 15/10/2024.

2. Kindly refer to the supportive document(s) attached for cause specific details.

3. It maybe noted that a registered person furnishing return under sub-section (I) of section 39 of the CGST Act, 2017 is required to furnish a final return in FORM GSTR-10 within three months of the date of this order.

4. You are required to furnish all your pending returns.

5. It may be noted that the cancellation of registration shall not affect the liability to pay tax and other dues under this ACT(or to discharge any obligation under this Act or the rules made thereunder for any period prior to the date of cancellation whether or not such tax and other dues are determined before or after the date of cancellation.”



8. As can be seen from the above impugned order, there is no reason given as to why the cancellation has been effected with effect from 15th October, 2024. Moreover, there is no reason given in the impugned order as to why the documents filed by the Petitioner were not considered, except stating that your reply is not *considerable*.

9. The Petitioner then filed an application seeking revocation of the cancellation of the GST registration in respect of which again a further SCN dated 26th December, 2024 was issued. The said SCN reads as under:

“Show Cause Notice for rejection of application for revocation of cancellation of registration.

This has reference to your application dated 20/12/2024 regarding revocation of cancellation of registration. Your application has been examined and the same is liable to be rejected for the following reasons:

I. Reason for revocation of cancellation - Others (please specify) - The taxpayer didnt submit relevant documents like Bank KYC, ID-Address proof, copy of rent agreement/ownership proof, System generated reconciliation for GSTR-3B & GSTR-I; GSTR-3B and GSTR-2A, Details of invoices issued and copy of ledger during the period in which GSTN was cancelled; self-declaration for payment of due tax within a month of revocation. Also, please deposit the tax liability in the cash ledger, if already calculated.

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

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.

Kindly refer the supportive document attached for.



case specific details.

10. In the SCN dated 26th December, 2024, seven days time was given to the Petitioner to file a reply, which was duly filed by the Petitioner on 06th January, 2025 – albeit with a slight delay. In respect of these documents which were filed along with a detailed reply, there was no consideration and the revocation application was also dismissed on 8th January, 2025.

11. The Petitioner then filed an appeal before the Appellate Authority, which was rejected by the Appellate Authority *vide* Order-in-Appeal dated 30th April, 2025 on the following grounds:

"5.1 I find that the appellant, at appellate stage, has only submitted copies of lease deed dated 05.05.2024 & copy of electricity bill in the name of Bhim Singh. Except these documents, the appellant has not submitted any other document requisite through show cause notice dated 08.01.2025.

*6. In view of the above, I do not find any fault in the impugned order as the appellant failed to submit the documents/information as were asked for *vide* show cause notice dated 08.01.2025. Most of the said documents/information have also not been submitted by the appellant at the appellate stage as well except copies of lease deed dated 05.05.2024 & copy of electricity bill in the name of Bhim Singh. As such, I hold that the said impugned order passed by the adjudicating authority is legal and maintainable in law and I do not find any reason to interfere with the said impugned order. Accordingly, I pass the following order:*

ORDER

7. The appeal filed by M/s Imagine Marketing Limited, Ground Floor,/P H. No. 19 Village Hauz Khaz, South Delhi, Delhi-110016 against Order-In_Original No. ZA07012503638L dated 08.01.2025 is hereby rejected



and disposed of in terms of Section 107(12) of CGST Act, 2017."

12. The submissions made on behalf of the Petitioner is that all the documents which were filed before the Adjudicating Authority were also placed before the Appellate Authority. But the same are not considered.

13. Heard. A perusal of the index of the appeal filed by the Petitioner reveals that copies of the screenshots, the replies, etc. were all filed and therefore, the Appellate Authority's order dated 30th April, 2025 is also completely erroneous. The Adjudicating Authority's approach in this matter has been cavalier, to say the least. The Adjudicating Authority has failed to consider any of the replies and the documents which were filed with the same and has passed mechanical, templated and computer generated orders without any application of mind. All the orders are perverse, and show the negligent manner in which Mr. Pradeep Kumar, Superintendent, Range 56 has conducted himself.

14. An Adjudicating Authority has to show basic fairness, especially in the case of companies which are regular tax payers and who have filed the replies in time along with the requisite documents. Moreover, the GST returns etc. and forms thereof are all available on the GST Portal and repeatedly calling for the same from the tax payer is not justified.

15. Under these circumstances, the Appellate Authority's Order dated 30th April, 2025, the impugned order dated 26th November, 2024 and the order dated 08th January, 2025 cancelling revocation of the GST registration are all set aside. The said orders lack basic reasoning and do not show even fundamental fairness of adjudication.

16. Accordingly, the GST registration of the Petitioner is restored. The



SCN dated 15th October, 2024 shall now be adjudicated afresh. The replies filed by the Petitioner shall be considered by the Adjudicating Authority. A personal hearing shall be granted to the Petitioner and the notice for personal hearing shall be communicated on the following e-mail address and mobile number:

- **Mobile No.: 7838592852**
- **E-mail Address : cashwini19@gmail.com**

17. In the facts and circumstances of this case, Rs. 25,000/- cost is imposed on the Department to be paid to the Petitioner. The same would be recoverable from Mr. Pradeep Kumar, Superintendent.
18. The petition is accordingly disposed of. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

SHAIL JAIN
JUDGE

NOVEMBER 21, 2025/PT/Ck