IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.30400 OF 2025

DATED: 25.06.2026

Between:

M/s. A.P. Enterprises,
Rep., by its Proprietor, Sri Adil Malik,
Kothapet, Ranga Reddy, Telangana.

… Petitioner

AND

The Superintendent of Central Tax,
Saroornagar Range, Nagole,
Hyderabad and another.

… Respondents

ORDER:

Mr. Goondla Venkateswarlu, learned counsel for the petitioner.

Mr. Dominic Fernandes, learned Senior Standing Counsel for Central Board of Indirect Taxes and Customs (CBIC) appears for respondent No.1.

2. The impugned order of cancellation of Goods and Services Tax Registration, dated 04.08.2025 is passed on a ground alien to the show cause notice issued by respondent No.1 on 17.07.2025 in Form GST REG-17. For proper appreciation, the contents of the show cause notice and the order of cancellation are extracted hereunder:

“FORM GST REG-17
[See Rule 22(1)]

Reference No: ZA360725129265E Date: 17.07.2025

To
Registration Number (GSTIN/UIN): 36AQEPA8865H1ZO
ADIL MALIK,
Plot No.31, Waris Colony, Hyderabad,
Ranga Reddy, Telangana, 500035.

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. Section 29(2)(e)-registration obtained by means of fraud, willful misstatement or suppression of facts.
2. Rule 21(b)-person issues invoice or bill without supply of goods or services or both in violation of the provisions of the Act, or the rules made thereunder.
3. Rule 21(a)-person does not conduct any business from declared place of business/place of business not found.

Remarks:

DGGI/INV/GST/1472/2025-Gr L-O/OADG-DGGI-ZU-HYD/914 DATED 08.07.2025

Your 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 authority on 25.07.2025 at 11:47.

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 17.07.2025.

Kindly refer the supportive document attached for case specific details.

Place: CBIC
Date: 17.07.2025.

Srinivas Addla
Superintendent
SAROORNAGAR

Signature Not Verified

Digitally signed by A Srinivas
Date: 2025.07.17
16:47:54 IST”

"**FORM GST REG-19**
[See rule 22(3)]

Reference Number: ZA360825006181S Date: 04/08/2025

To
Name: ADIL MALIK
Address: Plot No.31, Waris Colony, Hyderabad,
Rangareddy, Telangana, 500035.
GSTIN/UIN: 36AQEPA8865H1ZO
Application Reference Number (ARN): AA3607250293917 Date:

Order for Cancellation of Registration

This has reference to show cause notice issued dated 17/07/2025.

Whereas reply to the show cause notice has been submitted vide ARN NOT AVAILABLE; 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):

1. Section 29(2)(e)-registration obtained by means of fraud, willful misstatement or suppression of facts.
2. Rule 21(a)-person does not conduct any business from declared place of business/place of business not found.
3. Rule 21(b)-person issues invoice or bill without supply of goods or services or both in violation of the provisions of the Act, or the rules made thereunder.

Remarks:

The taxpayer suspended herewith and intimating for cancellation of registration for non furnishing of six consecutive returns. Therefore, order for cancellation of GST registration is issued under the provisions of Section 29(2) of CGST ACT, 2017 read with rule 22 of the CGST Rules for non furnishing of six consecutive returns. As per Section 29(3) of CGST ACT, 2017, the cancellation of registration under this section shall not affect the liability of the person 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.

The effective date of cancellation of your registration is 01/06/2025.

2. Kindly refer to the supportive document(s) attached for case specific details. – Not applicable

3. It may be noted that a registered person furnishing return under sub-section (1) 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.

Place: CBIC
Date: 04/08/2025.

Srinivas Addla
Superintendent
SAROORNAGAR"

3. Learned counsel for the petitioner has taken other grounds also which have been contested by the learned Senior Standing Counsel for CBIC who has also filed a counter affidavit.

4. However, upon hearing learned counsel for the parties, we are inclined to allow the writ petition by quashing the order of cancellation of registration for the sole reason that it is based upon a ground upon which the petitioner was never put to notice. The cancellation has been done for allegedly non-furnishing of consecutive returns, which is in teeth of Rule 21(h) of the Central Goods and Services Tax Rules, 2017 (for short, "the Rules"). The show cause notice alleged obtaining of registration by fraud, willful misstatement or suppression of facts in teeth of Section 29(2)(e) of the Central Goods and Services Tax Act, 2017; for issuance of invoice or bill without supply of goods or services or both in violation of Rule 21(b) of the Rules and in not conducting any business from declared place of business in teeth of Rule 21(a) of the Rules.

5. Learned counsel for the petitioner submits that a consequential direction also be issued to immediately restore the registration of the petitioner.

6. In such circumstances, both the impugned order of cancellation of registration and the show cause notice are quashed and the Goods and Services Tax registration of the petitioner is restored. However, liberty is granted to the respondent Revenue to issue fresh show cause notice, if any grounds exist for proposed cancellation of GST registration of the petitioner. Needless to say that the show cause notice should contain specific grounds with supporting documents so that the petitioner can submit a reply. Based thereupon, the proper officer can take a decision in accordance with law in a time bound manner.

7. The writ petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

APARESH KUMAR SINGH, CJ

G.M.MOHIUDDIN, J

Date: 25.06.2026
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