IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 8895 of 2025

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE A.S. SUPEHIA

and
HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

==

Approved for Reporting	Yes	No

==
MAPAEX CONSUMER HEALTHCARE PRIVATE LIMITED
Versus
STATE OF GUJARAT & ORS.
==
Appearance:
MR HARDIK P MODH(5344) for the Petitioner(s) No. 1
MR PARTH PATEL, AGP for the Respondent(s) No. 1,2,3
==

CORAM:**HONOURABLE MR. JUSTICE A.S. SUPEHIA**
and
HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 20/08/2026

ORAL JUDGMENT
(PER : HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI)

1. Heard learned advocate Mr.Hardik Modh appearing for the petitioner and learned AGP Mr.Parth Patel appearing for the respondent authority.

2. By way of present petition, the petitioner herein is constrained to

invoke Article 226 of the Constitution of India being aggrieved and dissatisfied by the impugned order dated 29.10.2024 passed by the respondent No.3 rejecting the petitioner's application for revocation of cancellation of Goods and Service Tax (for short 'GST') registration on the premise that the petitioner did not file reply to the show cause notice within stipulated time, having prayed for the following reliefs :-

> *"13. (a) That this Hon'ble Court be pleased to issue a Writ of Certiorari, or a Writ in the nature of Certiorari, or any other appropriate Writ, Order or direction, calling for the papers and proceedings leading to the records relating to issuance of the impugned order dated 29.10.2024 passed by Respondent No.3 in prescribed Form GST REG 05 (Annexure-F) and after going into legality and validity, proprietary thereby to quash and set aside the proceedings initiated by the impugned order dated 29.10.2024 passed by the Respondent No.3 (Annexure-F);*
>
> *(b) That this Hon'ble Court be pleased to issue a Writ of mandamus, or a Writ in the nature of mandamus, or any other appropriate Writ, Order or direction, directing the Respondents, their servants, agents, representative to revoke the registration cancelled to the Petitioner to its original number;*
>
> *(c) That pending notice, admission and the hearing and final disposal of the present Petition, this Hon'ble Court be pleased to direct the Respondents, their subordinates, servants, agents or their representatives to allow the Petitioner to use the GST registration number granted to the Petitioner for carry on the business to meet with the object as guaranteed by Article 19(1) (g) of Constitution of India.*
>
> *(d) for costs of the petition /application and orders therein; and*
>
> *(e) for such further and other reliefs, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

3. Brief facts giving rise to the filing of the present petition read thus :-

3.1 The petitioner is inter-alia engaged in the business of merchant exporter and contract development. The petitioner specializes in offering collaborative opportunities in healthcare, export through contract manufacturing and marketing to consumer goods, consumer package goods, pharmaceutical, medicinal and botanical products. The petitioner's registered office is located at Bhopal in Madhya Pradesh and have collateral capacities in Central Ahmedabad, Gujarat, India and Overseas Business presence in Ireland, Ukraine, Russia, United Kingdom. The petitioner also has office at Surendranagar from where they carry on the above business. The petitioner was granted Gujarat Goods and Services Tax Registration No.24AAKCM4614R1ZZ. Turnover of the petitioner company across India in last 3 years are as under:

Period	Turnover (in INR)
2021-22	9,24,26,364/-
2022-23	15,44,24,802/-
2023-24	7,00,44,590/-

3.2. Since the petitioner did not have any turnover from the office located at Surendranagar, Gujarat, the Petitioner declared “nil” turnover in GSTR 3B returns filed for the period 01.04.2021 to 31.03.2024.

3.3. On verification of the online returns filed by the petitioner, the respondent No.3 vide Show Cause Notice dated 06.09.2024 called upon the petitioner as to why GST registration certificate granted to the petitioner should not be cancelled as turnover in GSTR 3B for the period 01.04.2021 to 31.03.2024 was shown “nil”. The respondent No.3 immediately on 06.06.2024, suspended the GST Registration number. The respondent No.3 directed the petitioner to file a reply within seven working days with supporting documents to show that petitioner was carrying on the business.

3.4. The respondent No.3 vide Order dated 06.08.2024 cancelled the registration of the petitioner w.e.f. 01.07.2024 in terms of provision of Section 29(1) of Gujarat Goods and Services Tax Act (for short 'the Act') by observing in the order that since the petitioner had shown "nil" turnover during the period from 01.04.2021 to 31.03.2024, the petitioner closed his business. The petitioner was directed to furnish final return under Section 39(1) of the Act in GSTR 10 within 3 months from the order. The respondent No.3 also observed in the separate order of even date i.e. 06.08.2024 that he contacted Director of the petitioner whereby he informed that the petitioner had stopped its business.

3.5. Since the petitioner carried on business and issued the invoice for the business activity undertaken by them, the petitioner filed an application on 20.09.2024 seeking revocation of the cancellation of GST registration number. The petitioner annexed documentary evidence for the period from July, 2024 to August, 2024 to show that the petitioner carried on the business. The petitioner also filed an undertaking that if the registration is restored, they would file all pending GSTR 3B returns on the date of revocation.

3.6. The respondent No.3 issued another Show Cause Notice dated 10.10.2024 in prescribed form GSTREG 23 to the petitioner and called upon the petitioner to submit the documentary evidence as specifically mentioned in the Show Cause Notice for revocation of cancellation of registration. The petitioner was directed to file reply within a period of seven working days from the receipt of the notice and failure to file reply within stipulated time, it was mentioned that the case would be decided ex-parte on the basis of available records on merit.

3.7. The respondent No.3 vide Order dated 29.10.2024 rejected the application of the petitioner for revocation of cancellation of GST registration on the premise that the petitioner did not file reply to the Show Cause Notice within specified time limit.

SUBMISSIONS ON BEHALF OF THE PETITIONER :-

4. Learned advocate Mr.Hardik Modh appearing for the petitioner submits that the the respondent No.3 cancelled the petitioner's registration number on premise that the petitioner has discontinued his business. It is submitted that it is an obligation upon the respondent No.3 to come to a conclusion based on cogent and tangible evidence to arrive at such conclusion that the petitioner has discontinued its business. Merely because the petitioner declared "nil" turnover in GSTR 3B return filed for the period from 01.04.2021 to 31.03.2024, does not mean that the petitioner discontinued the business.

4.1 Placing reliance on the aforesaid submission, it is submitted that the impugned order is contrary to the provision of Section 29 of the Central Goods and Services Tax Act, 2017 (for short 'the Act') which deals with suspension or cancellation of registration granted to a registered person.

4.2 It is further submitted that the petitioner annexed all the requisite documents with the application for revocation of cancelled registration number in prescribed form GSTREG-21. Without considering the said documents, the respondent No.3 cancelled the registration only on the premise that the petitioner failed to furnish reply to the show cause notice.

4.3 It is submitted that rather than deciding the petitioner's application for revocation of cancellation of registration on merits, more particularly when the petitioner had duly filed the supporting evidence to show that the petitioner's business was ongoing from the registered premises, the respondent No.3 erred in cancelling the registration on the premise that the petitioner failed to furnish reply to the show cause notice.

4.4 It is submitted that the impugned order dated 29.10.2024 is a non-speaking order. The respondent No.3 has failed to give finding on the application for revocation of cancellation of GST registration number. The obligation is upon the respondent No.3 to provide reasons as to why the application preferred by the petitioner was not entertained. It is submitted that merely non-filing of reply does not permit the respondent No.3 to reject the petitioner's application.

4.5 It is submitted that the respondent No.3 ought to have appreciated that the show cause notice issued in prescribed form GSTREG 23 specifically mentioned that in case a person failed to furnish a reply within the stipulated time, the case will be decided ex-parte on the basis of available record on merit. The impugned order has not considered any record filed with the application and therefore the same is in violation of the principles of natural justice.

4.6 It is also submitted that the impugned order is passed without granting opportunity of personal hearing. It submitted that the show cause notice dated 10.10.2024 issued in the prescribed form GSTREG 23 provides that the case shall be decided ex-parte on available record if the person fails to appear for personal hearing on the appointed date, however no personal hearing was granted to the petitioner and in view thereof the same is in violation of the principles of natural justice.

4.7 Placing reliance on the aforesaid submissions, it is submitted that the impugned order is required to be quashed and set aside and the petition may be allowed.

SUBMISSIONS ON BEHALF OF THE RESPONDENT :-

5. Learned AGP Mr.Parth Patel relied on the affidavit-in-reply filed by the respondent No.3 herein and submitted that no interference is called for in the impugned order passed by the respondent No.3.

5.1 It is submitted that in absence of any reply filed by the petitioner to the show cause notice to substantiate that the petitioner is actually undertaking business, it cannot be said that the impugned order passed by the respondent No.3 is erroneous. It is submitted that the petitioner herein has an efficacious alternative remedy by filing an Appeal under Section 107 of the Act.

5.2 Placing reliance on the aforesaid submissions it is submitted that the present petition is devoid of merits and the same may be dismissed.

ANALYSIS :-

6. Having heard the learned advocates appearing for the respective parties and upon perusal of the documents produced on record the following emerge :-

6.1 The petitioner is engaged in business of merchant exporter and contract development, having registered office located at Bhopal in Madhya Pradesh and have collateral capacities in Central Ahmedabad, Gujarat, India and overseas business presence in Ireland, Ukraine, Russia and United Kingdom. The petitioner is also having a registered office at Surendranagar from where they carry on the above business. The petitioner herein was granted GST registration number 24AAKCM4614R1ZZ. The turnover of the petitioner company across India in last three years is duly produced on record in tabular form as referred to hereinabove.

6.2 Since the petitioner did not have any turnover from the office located at Surendranagar, Gujarat, the petitioner declared "nil" turnover in GSTR 3B returns filed for the period 01.4.2021 to 31.03.2024. Upon verification of the online returns filed by the petitioner, it came to the notice of the petitioner that the respondent No.3 issued show cause notice on 06.09.2024 as to why the petitioner's GST registration certificate should not be cancelled as turnover in GSTR 3B for the period 01.4.2021 to 31.03.2024 is shown "nil". The respondent No.3 immediately suspended the GST registration number on 06.06.2024. The petitioner was directed to reply within seven working days with supporting documents to show that the petitioner was carrying on the business. The respondent No.3 vide order dated 06.08.2024 cancelled the registration of the petitioner with effect from 01.07.2024 in terms of Section 29(1) of the GGST Act by observing that the petitioner had shown "nil" turnover for the period between 01.4.2021 to 31.03.2024 and that the petitioner had closed his business. The petitioner was directed to furnish final return under Section 39(1) of GSTR 10 within three months of the order. The respondent No.3 also observed in a separate order dated 06.08.2024 that he had contacted the Director of petitioner whereby he was informed that the petitioner had stopped the business which resulted in the cancellation of registration of petitioner with effect from 1.7.2024.

6.3 Considering the aforesaid, in our opinion, an obligation is cast upon the respondent No.3 to come to arrive at such conclusion based on some cogent and tangible evidence that the petitioner discontinued business.

In the facts of the present case, the petitioner declared "nil" turnover in GSTR 3B returns filed for a period between 01.4.2021 to 31.03.2024. The mere declaration of "nil" turnover cannot be construed that the petitioner had discontinued the business. It is not in dispute that the petitioner produced the requisite evidence to show that they carried on business from registered premises. Without verification of the factual aspect, as referred to hereinabove, the respondent No.3 cancelled the registration on the premise that the petitioner failed to furnish reply to the show cause notice.

6.4 At this stage, it is apposite to reproduce Section 29 of the Act which reads thus :-

> *"29 Cancellation or suspension of registration :-*
>
> *(1) The proper officer may, either on his own motion or on an application filed by the registered person or by his legal heirs, in case of death of such person, cancel the registration, in such manner and within such period as may be prescribed, having regard to the circumstances where,-*
>
> *(a) the business has been discontinued, transferred fully for any reason including death of the proprietor, amalgamated with other legal entity, demerged or otherwise disposed of; or*
>
> *(b) there is any change in the constitution of the business; or*
>
> *[(c) the taxable person is no longer liable to be registered under section 22 or section 24 or intends to opt out of the registration voluntarily made under sub-section (3) of section 25:]*
>
> *[Provided that during pendency of the proceedings relating to cancellation of registration filed by the registered person, the registration may be suspended for such period and in such manner as may be prescribed.]*
>
> *(2) The proper officer may cancel the registration of a person from such date, including any retrospective date, as he may deem fit, where,—*
>
> *(a) a registered person has contravened such provisions of the Act or the rules made thereunder as may be prescribed; or"*

6.5 It is apparent from the above that the Proper Officer may cancel the GST registration only if there are circumstances as set out in Section 29(1) or (2) of the Act. The Proper Officer can also do so, with retrospective effect, if he deems fit where the conditions specified in

Section 29(2) of the Act are satisfied. It is, thus, necessary for the Proper Officer to independently arrive at a satisfaction as to the circumstances as set out in Section 29(1) or 29(2) of the Act.

6.6 In the present case, it is noticed that the impugned Show Cause Notice was issued solely on the basis that the petitioner declared "nil" turnover in GSTR 3B returns filed for the period 01.04.2021 to 31.03.2024. The aforesaid does not fall within the circumstances prescribed under which notice under Section 29(1) of the Act can be issued for cancellation of registration.

7. In view of above, we are of the considered opinion that the proceedings initiated against the petitioner by impugned order dated 29.10.2024 are required to be quashed and set aside in exercise of powers under Article 226 of the Constitution of India. The same are quashed and set aside. The present writ petition is allowed.

8. Liberty is reserved in favour of the respondent authority to verify whether the petitioner's business is continued or not and act in accordance with law.

(A. S. SUPEHIA, J)

(VAIBHAVI D. NANAVATI,J)

K.K. SAIYED/76