Case Citation: (2026) taxcode.in 1847 HC

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ALPESH Y. KOGJE,

CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 29th OF OCTOBER, 2026

WRIT PETITION No. 40952 of 2026

CNR No.: MPHC010725752026

FARIDA HUSSAIN M/S AMAZZE INDIA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Nitin Agrawal - Advocate for the petitioner.

Shri Rajvardhan Dutt Pararha - Govt. Advocate for respondent.

ORDER

Per*: *Justice Vivek Jain

The present petition under Article 226 of the Constitution of India has been filed challenging the order dated 09.07.2026 (Annexure P-8) so also the order dated 09.06.2026 (Annexure P-4) both passed by the respondent No.3. By the order dated 09.06.2026, the registration of the petitioner under M.P. Goods and Services Tax Act, 2017(for short 'SGST Act') has been cancelled. By the order dated 09.07.2026, the application of the petitioner for revocation of cancellation, that was filed under Section 30 of the SGST Act has been rejected.

2. The counsel for the petitioner has argued that though the petitioner has

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a statutory remedy of appeal under Section 107 of the SGST Act but in the present case, the business of the petitioner has come to a standstill by cancellation of SGST registration and rejection of application for revocation of the said order, which is in gross violation of basic principles of natural justice. The petitioner is only seeking a fair opportunity to be heard as per the provisions of SGST Act. The impugned orders having been passed in utter violation of principles of natural justice and denial of fair opportunity to the petitioner before cancellation of SGST registration and rejection of application for revocation of cancellation, the writ petition before this Court is maintainable as no factual questions are involved at this stage and the petitioner is only seeking a remand to the Proper Officer. The Proper Officer may hear the petitioner and then pass an order after adhering to principles of natural justice as contemplated under Sections 29 and 30 of SGST Act.

3. Learned counsel for the petitioner has submitted that the show cause notice for cancellation of registration dated 05.06.2026 was issued to the petitioner vide Annexure P-2 and she was directed to file a reply within seven days and also to appear before the authorities on 16.06.2026 at 11 AM. The petitioner had filed reply on 06.06.2026. However, on 09.06.2026 by recording that no reply has been filed, the registration was cancelled, which is even before expiry of 7 days which was set down for filing of the reply. The authority did not even wait for the date for personal hearing, which as per the show cause notice was 16.06.2026.

4. It is further contended that when the petitioner pointed out these

glaring facts of denial of fair opportunity to the petitioner by filing an application for revocation of cancellation in terms of Section 30 of SGST Act, again the same mistake was repeated by the Proper Officer. It is pointed out that on the application for revocation filed on 09.06.2026, a show cause notice was issued on 06.7.2026, mentioning that reply has to be filed within 7 days and the petitioner was directed to appear before the Proper Officer on 15.07.2026 for personal hearing. However, within 3 days, that is on 09.07.2026, the application for revocation was also rejected, though the reply to show cause notice had duly been submitted on 08.07.2026. The authority did not even wait for the date of personal hearing which was fixed for 15.07.2026 and in a hasty and hurried manner passed an order of rejection of application for revocation on 09.07.2026.

5. It is, therefore, argued that the impugned orders be set aside and directions be issued to the Proper Officer to hear the petitioner in terms of provisions of Sections 29 and 30 of SGST Act and then pass a proper order.

6. *Per contra*, learned counsel for the respondents has vehemently supported the impugned orders and submitted that the authorities were not bound to provide personal hearing to the petitioner and there was no hurdle in passing an order without waiting for the date of personal hearing. It is however contended that if this Court passes an order of remand, then the authorities shall provide personal hearing and pass a fresh order after considering reply of the petitioner.

7. Upon hearing counsel for the rival parties and on perusal of the record,

it is seen that the show cause notice for cancellation was issued on 05.06.2026, which was replied by the petitioner on 06.06.2026 as per the screenshot of the GST portal. As per the show cause notice dated 05.06.2026, a time limit of 7 days was set out to file reply to the notice and the petitioner was directed to appear for personal hearing on 16.06.2026.

8. However, even without waiting for 7 days period to lapse for submission of reply, the cancellation order was passed on 09.06.2026 itself, i.e. within 4 days of issuance of show cause notice and even without waiting for the date of personal hearing to even reach which was fixed for 16.06.2026.

9. The petitioner exercised the statutory right granted to her under Section 30 of SGST Act and filed an application for revocation of cancellation order and again the same type of attitude was exhibited by the Proper Officer, inasmuch as the application was submitted on 09.06.2026 and a notice was issued on 06.07.2026 directing the petitioner to file reply within 7 working days and to appear before the authority on 15.07.2026 for personal hearing.

10. However, even without waiting for the 7 days period to lapse for submission of reply and without waiting for the date of personal hearing i.e. 15.07.2026 to reach, the application for revocation was rejected on 09.07.2026 i.e. within 3 days of issuance of the show cause notice.

11. Therefore, it is a glaring case of failure of principles of natural justice and the Proper Officer has exhibited utterly hasty and hurried manner in

passing the impugned orders.

12. The proviso to Section 29 (2) of SGST Act contains a clear provision to grant opportunity of being heard to the assessee, which is as under:-

> *"Provided that the Proper Officer shall not cancel the registration without giving the person an opportunity of being heard."*

13. As per Section 30, same provision has been carved out, laying down the manner in which the application for revocation has to be decided. Proviso to Section 30 (2) reads as under:-

> *"Provided that the application for revocation of cancellation of registration shall not be rejected unless the applicant has been given an opportunity of being heard."*

14. A Division Bench of this Court in ***W.P. No. 21659 of 2022*** (***M/s Ultra Steel Vs. State of Madhya Pradesh a& Ors.***) has considered the meaning and purport of expression 'opportunity of being heard' as appearing in Sections 29 and 30 of SGST Act in the following manner:-

> *"10. Meaning thereby that affording of opportunity of being heard is a pre-condition for exercising the power of cancellation of registration. The expression "opportunity of being heard" has been explained time and again by various decisions of the Apex Court as well as this Court and other High Courts to include the following components:*

(a) furnishing of reason along with supporting material to the assessee on the basis of which the registration is proposed to be cancelled;

(b) the grant of sufficient opportunity by way of personal appearance or otherwise as the case may be (depending upon the textual and contextual statutory provisions) to the assessee to respond in writing;

(c) in case no material is supplied or insufficient reasons are given in the show cause notice and the assessee seeks proper reasons and material, then the Revenue is obliged toextend the time for filing reply by furnishing proper reasons and supporting material;

(d) Revenue should also take into account certain circumstances, which may be beyond the control of assessee where extension of time ought to be given considering the seriousness and urgency of reasons assigned for extension;

(e) the minimum period after service of a valid or proper show cause notice, for submission of reply by the assessee is prescribed as seven days, which is extendable on the discretion of the Proper Officer for justified reasons to be recorded in writing;

(f) in case assessee within seven days or the extended time fails to file any response in writing, then the Proper Officer is free to pass appropriate order; and

(g) in case, assessee submits reply in writing, then the same isto be considered by passing an appropriate speaking orderby the competent authority u/S.30 containing sufficientreasons to enable the assessee to

avail the remedy ofappeal u/S.107.

10.1 Similar affording of reasonable opportunity is stipulated while deciding an application for revocation of cancellation of registration u/S.30."

15. It is settled in law that where there is glaring failure of principles of natural justice, then alternative remedy is not an absolute bar. Even otherwise, this petition has not been pressed on merits, but has been pressed on the anvil of denial of opportunity of hearing and prayer has been made to remand the matter back to the Proper Officer to pass a lawful order after hearing the petitioner. Therefore, the petitioner need not be relegated to avail the remedy of statutory appeal.

16. In view of the reasons contained above, we have no doubt that the order of cancellation of registration (Annexure P-4) so also the order of rejection of application for revocation of cancellation order (Annexure P-8) suffer from infirmity and illegality, in as much as they violate the principles of natural justice (*audi alteram partem*). Cancellation of registration under SGST Act has serious civil consequences on the business of the petitioner and such an order was not expected to be passed by violating not only the necessary principles of natural justice, but also the mandatory statutory provisions as laid down in Sections 29 and 30 of SGST Act that ensure fair opportunity to the assessee.

17. Therefore, the impugned orders Annexure P-4 and P-8 stand quashed. The Proper Officer shall take fresh decision on the show cause notice for cancellation of registration.

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18. The Proper Officer shall take into consideration the reply to show cause notice (Annexure P-3) and also grant opportunity of personal hearing to the petitioner for a date to be fixed by the Proper Officer. The petitioner is also set at liberty to file any further material and documents before the Proper Officer as are required to meet out her case, but before the date fixed for personal hearing. Let decision on the show cause notice for cancellation be taken afresh within 30 days of submission of copy of this order before the Proper Officer.

19. With the aforesaid directions, the petition stands ***allowed and disposed off***.

(ALPESH Y. KOGJE)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

nks

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