

# TAX INFO

*Dated: 17.10.2020*

**Latest update on GST Law: Information regarding GST registration cancellation order based on Vague SCN not sustainable based on the Judgement issued by Gujarat High Court.**

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## **GST registration cancellation order based on Vague SCN not sustainable**

<b>Name of Petitioner</b>	ABB India Limited
<b>Name of Respondent</b>	Union of India
<b>Name of Court</b>	Gujarat High Court
<b>Appeal Number</b>	Civil Application (For Orders) No. 2 of 2020 in R/Special Civil Application No. 728 of 2020
<b>Date of Judgement</b>	11.02.2020

A show cause notice was issued to the petitioner for cancellation of registration. According to learned counsel for the petitioner Mr. Dave, without fixing a date for hearing and without waiting for any reply to be filed by the petitioner, the cancellation order was passed on 30.07.2020 whereby registration of the petitioners with GST department was cancelled.

Although the cancellation order refers to a reply submitted by the petitioner and also about personal hearing, but according to Mr. Dave neither he had submitted any reply nor afforded any opportunity of hearing. The show cause notice is as vague as possible and does not refer to any particular facts much less point out so as to enable the noticee to give his reply.

It was held that that the show cause notice itself cannot be sustained for the reasons already recorded above. Therefore, the cancellation of registration resulting from the said show-cause notice also cannot be sustained. The impugned show cause notice dated 20.07.2020 and the impugned cancellation order dated 30.07.2020 are hereby quashed.

The Respondent requested the Court to grant liberty to proceed afresh. But the Court told that they are not inclined to pass such order, but if law permits, the respondent may proceed afresh in accordance of the law.

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