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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 11th December, 2023*

+ **W.P.(C) 14824/2023**

DELHI METAL COMPANY

..... Petitioner

Through: Mr. Pranay Jain & Mr. Karan Singh,
Advs.

versus

PR COMMISSIONER OF GOODS AND SERVICE

TAX SOUTH DELHI

..... Respondent

Through: Mr. R. Ramachandran, SSC

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE AMIT MAHAJAN

VIBHU BAKHRU, J. (Oral)

CM APPL. 63898/2023 in W.P.(C)14824/2023 (for preponing the matter)

1. The petitioner has filed the present application, seeking early hearing of the above captioned petition.
2. Mr. Ramachandran, learned counsel appearing for the respondent, submits that the averments made in the application are not entirely accurate. Nonetheless, he has no objection if the prayer for early hearing of the above captioned application is allowed.
3. In view of the above, the application is allowed, while recording that nothing stated in the order should be construed as accepting the averments made in the application.



4. The next date of hearing, fixed for 23.01.2024, stands cancelled.

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5. The petitioner has filed the present petition, *inter alia*, praying that the respondents be directed to allow the petitioner's application for cancellation of its Goods and Service Tax ('GST') registration.

6. The petitioner had secured its registration with the GST authorities and was assigned the GSTIN 07AATFD4831H1Z7. The petitioner claims that it was carrying on the business of trading in aluminium and copper scrap. On 12.04.2023, the petitioner applied for the cancellation of its GST registration, as it had closed down its business, with effect from 12.04.2023.

7. On 10.05.2023, the respondent raised a query, seeking additional information/clarification, in respect of the petitioner's request for cancellation of its GST registration. Thereafter, by an order dated 02.06.2023, the respondent rejected the petitioner's request for cancellation of its GST registration.

8. In view of the above, the petitioner once again applied for cancellation of its GST registration on 02.06.2023. The same pattern was repeated and the respondent, once again, on 08.06.2023, raised queries as were raised in its communication dated 10.05.2023.

9. The petitioner has claimed that its constituent partners appeared before the office of the concerned GST Commissionerate on 27.07.2023 and 01.08.2023, in respect of the ongoing investigation.

10. The short controversy, in the present petition, is regarding the petitioner's right for cancellation of its GST registration. This petition was listed on 10.11.2023 and notice was issued. On 17.11.2023, this Court



passed the following order:

“1. The petitioner has filed the present petition praying that directions be issued to the respondent to allow its application for cancellation of its GST registration. It is the petitioner’s case that it had closed down its business and applied for cancellation of its GST registration on 12.04.2023. Notwithstanding the same, the petitioner’s GST registration has not been cancelled.

2. Mr. R. Ramachandran, learned counsel appearing for the respondent submits that currently an investigation is being conducted against the petitioner on account of various suspicious activities and therefore, the petitioner’s application has not been processed.

3. On a pointed query, as to under which provision of law, can the respondent compel a taxpayer to maintain its GST registration after the taxpayer has closed down its business and seeks cancellation of its GST registration, Mr. Ramachandran seeks time to respond to the same.

4. At his request, list on 30.11.2023.”

11. Pursuant to the aforesaid order, Mr. Ramachandran states that effective steps have been initiated for cancellation of the petitioner’s GST registration, the same should have been cancelled today but there was a technical glitch which has been resolved.

12. He also states that the petitioners have not joined the investigation and ought to be directed to do so, as committed by them in their application for seeking early hearing of the above captioned petition.

13. The learned counsel appearing for the petitioner states that the petitioner would join the investigation immediately.

14. In view of the above, we consider it apposite to dispose of the writ petition by directing that the respondent shall take steps for cancellation of the petitioner’s GST registration in terms of its application.

15. It is also clarified that the respondents are not precluded from taking



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any other steps, if there is any statutory violation on the part of the petitioner.

16. *Dasti.*

VIBHU BAKHRU, J

AMIT MAHAJAN, J

DECEMBER 11, 2023
“SS”