

(2024) 09 UK CK 0143

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2455 Of 2024

Ms Himalayan Homes Construction And Consultant Services	APPELLANT
Vs	
Commissioner And Others	RESPONDENT

Date of Decision : 23-09-2024

Acts Referred:

Central Goods And Services Tax Act, 2017 — Section 30(2)

Citation : (2024) 09 UK CK 0143

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Tarun Pande, Shobhit Saharia

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Petitioner is a proprietorship firm who runs a business under the name and style 'M/s Himalyan Homes Construction & Consultant Services'. Petitioner deals with works contract. Petitioner is registered under the Central Goods and Service Tax Act, 2017 (for short "the CGST Act, 2017").
2. The registration of the petitioner has been cancelled by respondent no.3 vide order dated 17.01.2022 for non filing of the GST return for a continuous period of six months.
3. Learned counsel for the petitioner contends that now the petitioner is ready to make the payment towards GST return for a period of six months as well as the penalty, if any, imposed by the respondent-department.
4. Petitioner has sought the following reliefs:-
"i. Issue a suitable writ, order or direction in the nature of certiorari calling the record of the case and quash the cancellation of GST Registration order dated 17/01/2022 (Annexure No.1 to W.P) as petitioner is ready to paid all the balance tax, interest on it and late fee if any.

ii. Issue a suitable writ, order or direction in the nature of certiorari calling the record of the case and quash the order in appeal (Annexure No.2) passed by respondent no.3.

iii. Issue a suitable writ, order or direction in the nature of mandamus permitting the petitioner to prefer a representation before the Respondent No.2 against the order of the cancellation of the GSTIN 05ADWPB3932B2ZU of the petitioner and further directed the respondent no.2 to consider the application of the petitioner in accordance with law.”

5. Learned counsel for the petitioner submits that identical controversy has been decided by this Court in WPMS No.2285 of 2024.

6. The said submission of learned counsel for the petitioners has not been opposed by learned counsel for the respondents.

7. In view of the consensus between the parties, the matter is covered by the order passed in WPMS No.2285 of 2024, the present writ petition is also decided in terms of the said order. The petitioner shall be at liberty to move an application for revocation or cancellation of the order under Section 30(2) of the CGST Act, 2017, within two weeks.

8. With this application, the petitioner shall also furnish all the GST returns, which he fails to submit and he will also deposit the outstanding tax and dues of the goods and service tax with his application. If he makes such an application within stipulated period, the Competent Authority shall consider petitioner’s application and pass appropriate order as per law, within four weeks thereafter.

9. Accordingly, the writ petition stands disposed of.

10. Pending application, if any, stands disposed of.