

## **HC allowed revocation of cancellation of registration as physical verification conducted in absence of authorised representative**

### **Facts of the case: Curil Tradex (P.) Ltd. v. Commissioner, Delhi Goods & Service Tax - [2022] 143 taxmann.com 111 (Delhi)**

The department conducted inspection at the premises of petitioner and issued show cause notice for cancellation of registration. Thereafter, the order of cancellation was passed. The writ petition was filed by the petitioner to quash show cause notice (SCN) and consequential order cancelling registration as same had been issued/passed based on letter which was not issued to petitioner.

### **Decision of the case:**

- It was contended that as per Rule 25 of CGST Rules, 2017 if the proper officer opted for physical verification of the petitioner's business premises, it could only be carried out in the presence of its authorized representative.
- The Honourable High Court observed that in the instant case it was not disputed that physical verification was carried out by the department without having the petitioner's authorized representative remain present. Even the notice of inspection had not been issued to petitioner on basis of which SCN was issued. Moreover, no tax or cess was due from petitioner. Therefore, the Court directed the petitioner to file application of revocation of cancellation of registration and same was to be adjudicated by concerned officer by passing speaking order.