

HC remanded matter back as procedure adopted by authority while cancelling registration was thoroughly flawed

Facts of the case : Rohit Verma v. Assistant Commissioner - [2023] (Calcutta)

A show cause notice was issued to the appellant to show cause as to why the registration should not be cancelled as it has been obtained by means of fraud, wilful misstatement or suppression of facts. The appellant did not avail the remedy granted and did not appear before the authority and therefore, the registration was cancelled.

It filed revocation application which was rejected on ground that appellant was not carrying on business from declared place and appeal was also dismissed. Thereafter, it filed writ petition but learned single Bench dismissed the petition by stating that disputed questions of facts cannot be gone into in a writ petition. It filed appeal against the order.

Decision of the case:

The Honourable High Court noted that the authority while cancelling registration solely relied upon statement made by receptionist of building and merely because she could not recognise appellant's photograph, the registration was cancelled. The Court noted that the procedure adopted by authority while cancelling registration was thoroughly flawed and proper course would have been to issue notice directing appellant and his power of attorney agent to be personally present and summon landlord of premises to bring correct facts to light. Therefore, it was held that matter would be remanded to original authority for conducting fresh enquiry.