



2025:DHC:4824-DB



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

Date of decision: 29th May, 2025

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W.P.(C) 685/2025

M/S S R ENTERPRISES

.....Petitioner

Through: Mr. Pranay Jain, Advocate.
Mr. Sachin Puri, Sr. Advocate with
Mr. Fardeen Khan, Mr. Harsh
Vardhan, Mr. Rubinder Ghumman &
Ms. Rashmi Srivastava, Advocates.

versus

**PR. COMMISSIONER OF GOODS AND SERVICE TAX, EAST
DELHI**

.....Respondent

Through: Mr. Pranay Jain, Advocate.
Mr. Aditya Singla, SSC, CBIC with
Ms. Arya Suresh Nair, Advocates.
Mr. Sushil Raaja, Advocate. M-
9212717171.
Insp. Vipin Yadav, PS Karol Bagh.
Mr. Aashneet Singh, APP for the State.

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W.P.(C) 1314/2025

M/S TRIX INDIA SALES CORPORATION

.....Petitioner

Through: Mr. Pranay Jain, Advocate.
Mr. Sachin Puri, Sr. Advocate with
Mr. Fardeen Khan, Mr. Harsh
Vardhan, Mr. Rubinder Ghumman &
Ms. Rashmi Srivastava, Advocates.

versus

**PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX
EAST DELHI**

Through: Mr. Sushil Raaja, Advocate. M-
9212717171.
Mr. Aditya Singla, SSC, CBIC with
Ms. Arya Suresh Nair, Advocates.
Insp. Vipin Yadav, PS Karol Bagh.
Mr. Aashneet Singh, APP for the
State.



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W.P.(C) 2461/2025 & CM APPL. 22018/2025
M/S ROYAL ENTERPRISESPetitioner

Through: Mr. Pranay Jain, Advocate.
Mr. Sachin Puri, Sr. Advocate with
Mr. Fardeen Khan, Mr. Harsh
Vardhan, Mr. Rubinder Ghumman &
Ms. Rashmi Srivastava, Advocates.

versus

PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX
EAST DELHIRespondent

Through: Mr. Akash Panwar, Jr. Standing
Counsel.
Mr. Sushil Raaja, Advocate. M-
9212717171.
Insp. Anand Kumar, SI Ravi Poonia,
PS Dagalpur.
Mr. Aditya Singla, SSC, CBIC with
Ms. Arya Suresh Nair, Advocates.
Insp. Vipin Yadav, PS Karol Bagh.
Mr. Fajallu Rehman, Mr. Feroz Alam
& Mr. Yasser Shabir Chowdhary,
Advocates.
Mr. Aashneet Singh, APP for the
State.

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W.P.(C) 2867/2025
M/S COMPACT ENTERPRISESPetitioner

Through: Mr. Pranay Jain, Advocate.
Mr. Sachin Puri, Sr. Advocate with
Mr. Fardeen Khan, Mr. Harsh
Vardhan, Mr. Rubinder Ghumman &
Ms. Rashmi Srivastava, Advocates.

versus

PRINCIPAL COMMISSIONER OF GOODS AND SERVICE TAX
EAST DELHIRespondent



Through: Mr. Sushil Raaja, Advocate. M-9212717171.
Mr. Aditya Singla, SSC, CBIC with
Ms. Arya Suresh Nair, Advocates.
Insp. Neeraj Kumar, PS Shahdra, M-8010126421.
Mr. Aashneet Singh, APP for the
State.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present four petitions have been filed by the Petitioners under Article 226 of the Constitution of India, *inter alia*, assailing the following Show Cause Notices (hereinafter, 'SCNs') and orders for cancellation of GST registration:
 - (i) **W.P. (C) 685/2025**- Show Cause Notice dated 7th November, 2024 issued by Keshari Nandan Shrivastwa, Superintendent, Range-137, CGST, East Delhi, as also the consequent order for cancellation of GST registration dated 23rd November 2024.
 - (ii) **W.P. (C) 1314/2025**- Show Cause Notice dated 16th October, 2024 issued by Ajay Kumar, Superintendent, Range-136, CGST, East Delhi, as also the consequent order for cancellation of GST registration dated 29th October 2024.
 - (iii) **W.P. (C) 2461/2025**- Show Cause Notice dated 27th September, 2024 issued by Ajay Kumar, Superintendent, Range-136, CGST, East Delhi, as also the consequent order for cancellation of GST registration dated 22nd October 2024.



(iv) **W.P. (C) 2867/2025**- Show Cause Notice dated 6th February, 2025 issued by Ranjeet Kumar Sharma, Superintendent, Range-142, CGST, East Delhi, as also the consequent order for cancellation of GST registration dated 2nd March 2025.

Factual Background

3. These four petitions were filed along with copies of purported SCNs dated 7th November 2024, 16th October 2024, 27th September 2024, and 6th February 2025 respectively.

4. The main allegation in the petitions was that the SCNs did not mention any reasons, based on which the GST registrations of the Petitioners were cancelled.

5. The predecessor bench of this Court, placing reliance on the SCNs and the decision in **W.P (C) 8061/2024** dated 25 September 2024 titled '**Riddhi Siddhi Enterprises vs. Commissioner of Goods and Services Tax (CGST), South Delhi & Anr.**', set aside the cancellation orders of GST registration of the Petitioners on the premise that the SCNs were issued without reasons. The said order dated 27th February 2025 in **W.P.(C) 2461/2025** by way of a sample order, is extracted below:

'1. The writ petitioner assails the validity of the final order dated 22 October 2024 in terms of which its Goods and Services Tax registration came to be cancelled with retrospective effect from 25 November 2021.

2. It becomes pertinent to note that the proceedings had come to be initiated pursuant to a Show Cause Notice dated 27 September 2024. That notice embodied no intent or disclosure of the respondents contemplating cancellation from a retrospective date.

3. We had in this regard and bearing in mind the power



which Section 29 of the Central Goods and Services Tax Act, 20173 confers upon the respondents to cancel registration from a retrospective date, in *Riddhi Siddhi Enterprises vs. Commissioner of Goods and Services Tax (CGST), South Delhi & Anr* held as follows:

"5. As is manifest from a reading of Section 29, clauses (a) to (e) of Section 29 (2) constitute independent limbs on the basis of which a registration may warrant cancellation. While the provision does enable the respondents to cancel that registration with retrospective effect. The mere existence or conferral of that power would not justify a revocation of registration. The order under Section 29(2) must itself reflect the reasons which may have weighed upon the respondents to cancel registration with retrospective effect. Given the deleterious consequences which would ensue and accompany a retroactive cancellation makes it all the more vital that the order be reasoned and demonstrative of due application of mind. It is also necessary to observe that the mere existence of such a power would not in itself be sufficient to sustain its invocation. What we seek to emphasise is that the power to cancel retrospectively can neither be robotic nor routinely applied unless circumstances so warrant. When tested on the aforesaid precepts it becomes ex facie evident that the impugned order of cancellation cannot be sustained.

6. We note that while dealing with the right of the respondents to cancel GST registration with retrospective effect and the manner in which such power should be exercised in accordance with the statutory scheme was an issue which was noticed in ***Ramesh Chander vs Assistant Commissioner of Goods and Services Tax, Dwarka Division, CGST Delhi & Anr.*** The Court in *Ramesh Chander* taking



note of the contours of Section 29 had held:-

" 1.The petitioner impugns order in appeal dated 29.12.2023, whereby the appeal filed by the petitioner has been dismissed solely on the ground of limitation. Petitioner had filed the appeal impugning order dated 13.07.2022 whereby the GST registration of the petitioner was cancelled retrospectively with effect from 01.07.2017. Petitioner also impugns Show Cause Notice dated 07.04.2022.

2. Vide impugned Show Cause Notice dated 07.04.2022, petitioner was called upon to show cause as to why the registration be not cancelled for the following reasons:

"Any Taxpayer other than composition taxpayer has not filed returns for a continuous period of six months"

3. Petitioner was in the business of services involving repair, alterations, additions, replacements, renovation, maintenance or remodelling of the building covered above, General construction services of harbours, waterways, dams, water mains and lines, irrigation and other waterworks, General construction services of long-distance underground/ overland/ submarine pipelines, communication and electric power lines by (cables); pumping stations and related works; transformer stations and related works, General construction services of local water & sewage pipelines, electricity and communication cables & related works, Installation, assembly and erection services of other prefabricated structures and constructions and possessed a GST registration.

4. A show cause notice was issued to the



petitioner on 07.04.2022 Though the notice does not specify any cogent reason, there is an observation in the notice stating failure to furnish returns for a continuous period of six months. The show cause notice requires the petitioner to appear before the undersigned i.e. authority issuing the notice. Notice does not give the name of the officer or place or time where the petitioner has to appear.

5. Further the order dated 13.07.2022 passed on the show cause notice does not give any reasons for cancellation of the registration. It, however, states that the registration is liable to be cancelled for the following reason "whereas no reply to notice to show cause has been submitted". However, the said order in itself is contradictory, the order states "reference to your reply dated 16.04.2022 in response to the notice to show cause dated 07.04.2022" and the reason stated for cancellation is "whereas no reply to notice to show cause has been submitted". The order further states that effective date of cancellation of registration is 01.07.2017 i.e. retrospective date.

6. Neither the show cause notice, nor the order spell out the reasons for retrospective cancellation. In fact, in our view, order dated 13.07.2022 does not qualify as an order of cancellation of registration.

7. As per the petitioner, the said order reflected that the GST of the Petitioner stands cancelled from 01.07.2017 even though returns thereafter have been filed by the Petitioner.

8. We notice that the show cause notice as well as the impugned order of cancellation. are themselves vitiated on account of lack of reason and clarity. The appeal has been dismissed solely on the ground of limitation.



Since the very foundation of entire proceedings i.e. show cause notice and the order of cancellation are vitiated, we are of the view that no purpose would be served in relegating the petitioner to the stage of an appeal.

9. In terms of Section 29(2) of the Central Goods and Services Tax Act, 2017, the proper officer may cancel the GST registration of a person from such date including any retrospective date, as he may deem fit if the circumstances set out in the said sub-section are satisfied. The registration cannot be cancelled with retrospective effect mechanically. It can be cancelled only if the proper officer deems it fit to do so. Such satisfaction cannot be subjective but must be based on some objective criteria. Merely, because a taxpayer has not filed the returns for some period does not mean that the taxpayer's registration is required to be cancelled with retrospective date also covering the period when the returns were filed and the taxpayer was compliant.

10. It is important to note that, according to the respondent, one of the consequences for cancelling a taxpayer's registration with retrospective effect is that the taxpayer's customers are denied the input tax credit availed in respect of the supplies made by the tax payer during such period. Although, we do not consider it apposite to examine this aspect but assuming that the respondent's contention in this regard is correct, it would follow that the proper officer is also required to consider this aspect while passing any order for cancellation of GST registration with retrospective effect. Thus, a taxpayer's registration can be cancelled with



retrospective effect only where such consequences are intended and are warranted.

11. The show cause notice does not even state that the registration is liable to be cancelled from a retrospective date.

12. The petition is allowed. The impugned show cause notice dated 07.04.2022, order of cancellation dated 13.07.2022 and the order in appeal dated 29.12.2023 are accordingly set aside. GST registration of the petitioner is restored, subject to petitioner filing requisite returns upto date.

13. It is clarified that since the petitioner could not have filed the return after the GST registration was suspended, there shall be no liability to pay any penalty or fine for delayed filing. However, this would only apply in case petitioner files an affidavit of undertaking that petitioner has not carried out any 23 business or raised invoices or taken any Input Tax Credit after the registration was suspended with effect from 07.04.2022 i.e., the date of suspension of the registration.

14. Respondent would be at liberty to initiate appropriate proceedings in accordance with law after giving a proper show cause notice containing complete details, if so advised. Further this order would not preclude the respondent from initiating any steps in accordance with law, if it is found that the petitioner had violated any provisions of the Act.

15. Petition is disposed of in the above terms."

7. We further take note of the judgment in **Delhi Polymers vs Commissioner, Trade and Taxes & Anr.** wherein the following was observed:-



"1. Petitioner has filed the appeal impugning order of cancellation of registration dated 15.12.2021 whereby the OST registration of the Petitioner has been cancelled retrospectively with effect from 01.07.2017. Petitioner also impugns Show Cause Notice dated 04.09.2021.

2. Vide Show Cause Notice dated 04.09.2021, petitioner was called upon to show cause as to why the registration be not cancelled for the following reason:-

"Collects any amount representing the tax but fails to pay the same to the account of the Central/State Government beyond a period of three months from the date on which such payment becomes due"

3. Petitioner was engaged in the business of Sanitary ware Products & Accessories i.e., Baths, Shower, Washbasins, Seats and Cover etc. and possessed OST registration.

4. Show Cause Notice dated 04.09.2021 was issued to the Petitioner seeking to cancel its registration. However, the Show Cause Notice also does not put the petitioner to notice that the registration is liable to be cancelled retrospectively. Accordingly, the petitioner had no opportunity to even object to the retrospective cancellation of the registration.

5. Further, the impugned order dated 15.12.2021 passed on the Show Cause Notice dated 04.09.2021 does not give any reasons for cancellation. It, however, states that the registration is liable to be cancelled for the following reason "whereas no reply to the show cause notice has been submitted". However, the said order in itself is contradictory. The order states "reference to your reply dated 15.12.2021 in response to the notice to show



cause dated 04.09.2021" and the reason stated for the cancellation is "whereas no reply to notice show cause has been submitted". The order further states that effective date of cancellation of registration is 01.07.2017 i.e., a retrospective date.

6. Neither the show cause notice, nor the order spell out the reasons for retrospective cancellation. In fact, in our view, order dated 15.12.2021 does not qualify as an order of cancellation of registration. On one hand, it states that the registration is liable to be cancelled and on the other, in the column at the bottom there are no dues stated to be due against the petitioner and the table shows nil demand.

7. Learned Counsel for the Petitioner submits that the said order reflected that the GST registration of petitioner stands cancelled from 01.07.2017 even though returns thereafter have been filed by the Petitioner.

8. He further submits that the petitioner is no longer interested in continuing the business and the business has been discontinued.

9. In terms of Section 29(2) of the Act, the proper officer may cancel the GST registration of a person from such date including any retrospective date, as he may deem fit if the circumstances set out in the said sub-section are satisfied. Registration cannot be cancelled with retrospective effect mechanically. It can be cancelled only if the proper officer deems it fit to do so. Such satisfaction cannot be subjective but must be based on some objective criteria. Merely, because a taxpayer has not filed the returns for some period does not mean that the taxpayer's registration is required to be cancelled with retrospective date also



covering the period when the returns were filed and the taxpayer was compliant.

10. It is important to note that, according to the respondent, one of the consequences for cancelling a tax payer's registration with retrospective effect is that the taxpayer's customers are denied the input tax credit availed in respect of the supplies made by the tax payer during such period. Although, we do not consider it apposite to examine this aspect but assuming that the respondent's contention is required to consider this aspect while passing any order for cancellation of GST registration with retrospective effect. Thus, a taxpayer's registration can be cancelled with retrospective effect only where such consequences are intended and are warranted.

11. It may be further noted that both the Petitioners and the department want cancellation of the GST registration of the Petitioner, though for a different reason.

12. In view of the fact that Petitioner does not seek to carry on business or continue the registration, the impugned order dated 15.12.2021 is modified to the limited extent that registration shall now be treated as cancelled with effect from 04.09.2021 i.e., the date when the Show Cause Notice was issued.

13. It is clarified that Respondents are also not precluded from taking any steps for recovery of any tax, penalty or interest that may be due in respect of the subject firm in accordance with law.

14. Petition is accordingly disposed of in the above terms."

8. In view of the aforesaid and in light of an abject failure on the part of the authority to assign even rudimentary reasons for a retroactive cancellation,



we find ourselves unable to sustain the order impugned."

4. In view of the above and when the impugned order is tested on the aforementioned precepts, it becomes apparent that absence of reasons in the original SCN in support of a proposed retrospective cancellation as well as a failure to place the petitioner on prior notice of such an intent clearly invalidates the impugned action. We are thus of the considered opinion that the writ petition is entitled to succeed on this short ground alone.

5. We accordingly allow the writ petition by modifying the impugned order and providing that the cancellation of the petitioner's GST registration shall come into effect from the date of the SCN i.e. 27 September 2024.

6. The stipulation in the impugned order of cancellation to come into effect from 25 November 2021 is consequently quashed."

6. The above order was clearly passed under the presumption that the SCNs filed along with the writ petitions were genuine. Similar orders were passed in the other three writ petitions as well.

Proceedings before this Court

7. On 17th April, 2025, this Court while hearing **W.P.(C) 2461/2025**, was informed by Mr. Pawar, Id. Counsel for the Respondent that there are three more SCNs which were challenged in three separate writ petitions, where a similar fabrication has come to the knowledge of the Department. Mr. Pawar also apprised the Court that all the Petitioners in the four writ petitions are represented by Mr. Pranay Jain, Id. Counsel. After hearing the submissions made by Mr. Pawar, the Court directed as under:

"10. Mr. Panwar, Id. Counsel also points out that there



are three further SCNs which were challenged in three separate writ petitions, where a similar fabrication has come to the knowledge of the Department. In all the three matters as well, Mr. Pranay Jain is the counsel for the respective Petitioners. The details of the said petitions are reproduced herein below:

- i. W.P.(C) 1314/2025 titled M/s Trix India Sales Corporation v. Principal Commissioner of Goods and Service Tax East Delhi;*
- ii. W.P.(C) 685/2025 titled S R Enterprises v. Pr. Commissioner of Goods and Service Tax, East Delhi;*
- iii. W.P.(C) 2867/2025 titled M/s Compact Enterprises v. Principal Commissioner of Goods and Service Tax East Delhi.*

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12. Under these circumstances, the following directions are issued:

- i. The final order dated 27th February, 2025 passed by the Court in this writ petition shall stand recalled and any order giving effect to the said order of this Court shall also not be given effect to.*
- ii. The proprietor of the Petitioner Concern, Mr. Sahib Alam shall remain present in Court on the next date of hearing.*
- iii. The Registry shall list all the three writ petitions mentioned above, along with the present writ petition, before this Court on the next date.**
- iv. Intimation shall be given by Mr. Jain, Id. Counsel to the Petitioners in those three cases as well so that they can remain present before this Court.”*

8. Thereafter, all the four writ petitions had been taken up together on 29th April, 2025, wherein Id. Counsel for the Petitioners, Mr. Pranay Jain, had submitted that he had sent notices to his clients *i.e.*, the Petitioners. However, the Petitioners have not contacted him since the filing of the review petition by the Department. Id. Counsel had further submitted that he is no longer in



touch with the Petitioners. On the basis of the said submissions, the following directions had been issued by this Court on the said date:

Relevant order in W.P.(C) 685/2025

“11. Under these circumstances, the following directions are issued:

- i. The order passed by this Court disposing of the subject petition dated 03rd February, 2025 is recalled.*
- ii. Non-bailable warrants are issued for production of the Petitioner– Mr. Satyapal who has deposed the affidavit dated 17th January, 2025 in the subject petition filed before the Court.*
- iii. The non-bailable warrant shall be executed by the SHO of the concerned area.*
- iv. The non-bailable warrant shall be executed through Mr. Sanjay Lao, Id. Standing Counsel (Criminal) for the Government of NCT of Delhi.*
- v. The Petitioner shall be produced before the Court on the next date of hearing.*

Relevant order of W.P.(C) 1314/2025

“11. Under these circumstances, the following directions are issued:

- i. The order passed by this Court disposing of the subject petition dated 03rd February, 2025 is recalled.*
- ii. Non-bailable warrants are issued for production of the Petitioner– Mr. Rajan who has deposed the affidavit dated 31st January, 2025 in the subject petition filed before the Court.*
- iii. The non-bailable warrant shall be executed by the SHO of the concerned area.*
- iv. The non-bailable warrant shall be executed through Mr. Sanjay Lao, Id. Standing Counsel (Criminal) for the Government of NCT of Delhi.*
- v. The Petitioner shall be produced before the Court on the next date of hearing.”*



Relevant order of W.P.(C) 2461/2025

“10. Under these circumstances, the following directions are issued:

- i. The order passed by this Court disposing of the subject petition dated 27th February, 2025 is recalled.*
- ii. Non-bailable warrants are issued for production of the Petitioner– Mr. Sahib Alam who has deposed the affidavit dated 24th February, 2025 in the subject petition filed before the Court.*
- iii. The non-bailable warrant shall be executed by the SHO of the concerned area.*
- iv. The non-bailable warrant shall be executed through Mr. Sanjay Lao, Id. Standing Counsel (Criminal) for the Government of NCT of Delhi.*
- v. The Petitioner shall be produced before the Court on the next date of hearing.”*

Relevant order of W.P.(C) 2867/2025

“11. Under these circumstances, the following directions are issued:

- i. The order passed by this Court disposing of the subject petition dated 6th March, 2025 is recalled.*
- ii. Non-bailable warrants are issued for production of the Petitioner– Mr. Aman who has deposed the affidavit dated 4th March, 2025 in the subject petition filed before the Court.*
- iii. The non-bailable warrant shall be executed by the SHO of the concerned area.*
- iv. The non-bailable warrant shall be executed through Mr. Sanjay Lao, Id. Standing Counsel (Criminal) for the Government of NCT of Delhi.*
- v. The Petitioner shall be produced before the Court on the next date of hearing.”*

9. On the next date i.e. 20th May 2025, all the four petitions were taken up together. On the said date, this Court received the reports as directed in the previous orders. The reports were received from the following authorities:



- i. In ***W.P.(C) 685/2025***, Head Constable Mr. Sachin Kumar, PS Karawal Nagar, reported that Mr. Satyapal is not traceable and his mobile number *i.e.* 9625164590 is switched off.
 - ii. In ***W.P.(C) 1314/2025***, the report had been received from Inspector Vipin Yadav from S.H.O., PS Karawal Nagar that Mr. Rajan is not traceable at the address given in the writ petition and even the mobile number is not traceable.
 - iii. In ***W.P.(C) 2461/2025***, non-bailable warrants had been issued. The S.H.O., Dayal Pur had furnished a report that Mr. Sahib Alam, Proprietor of M/s Compact Enterprises is not traceable at any of the addresses which had been given.
 - iv. In ***W.P.(C) 2867/2025***, non-bailable warrants had been issued, however, no report had been furnished.
10. From the reports placed, it was clear that none of the four Petitioners who had filed the writ petitions were traceable. Apart from the copies of some Aadhaar cards and mobile number, the counsel also did not have any other information. After hearing the Id. Counsels for the parties and perusing the reports submitted by the authorities, the Court had directed on 20th May 2025, as under:

“11. Clearly, none of these individuals are traceable. It is surprising as to how all the four individuals’ affidavits are attested/ notarised and the Id. Counsel for the Petitioner has identified them. The Aadhar cards of the Proprietors of the Petitioner entities have also been handed over but the status of the same needs to be ascertained. Under these circumstances, it is directed as under:

i. Notice be issued to Mr. Sushil Raja, Id. Counsel for



the UIDAI. He shall verify the Aadhar cards of the following individuals and a report be placed in a sealed cover before this Court by the next date of hearing. The UIDAI shall also furnish any details available with them in respect of their mobile numbers, residential address, etc., as per their records. The Aadhar card details of the Proprietors of the Petitioner entities furnished to the Court reads as under:

S.No	Name	Aadhar No.
1.	Mr. Satyapal	498091297686
2.	Mr. Rafan	985580468256
3.	Mr. Sahib Alam	655605243580
4.	Mr. Aman	453910321889

ii) The Oath Commissioner, Ms. Shilpa Verma shall physically appear before the Court on the next date of hearing along with her original register for the following dates i.e., 17th January, 2025, 31st January, 2025, 24th February, 2025 and 4th March, 2025. She shall also place on record a short affidavit as to the manner in which she attested the affidavits of the deponents.

iii) The GST Department, Commissionerate East Delhi shall verify their records and place whatever documents they have of these Petitioners before this Court on the next date. In addition, the GST Department shall also verify if any other SCNs have been issued to these Petitioners for any of the financial years. A report in this regard shall also be placed by the next date of hearing.”



11. Since the Aadhaar card copies were given by the Id. Counsel for the Petitioner, notice was issued to the UIDAI to place on record the details available with the UIDAI in respect of the said Aadhaar cards, as it clearly appeared that something was amiss.

12. The matter was then taken up on 28th May 2025. Except one person- Mr. Aman, no one else was traceable. Inspector Neeraj Kumar, PS Shahdara, Delhi had appeared before the Court and placed on record a status report along with several documents. According to the said report, the Aadhaar Card bearing no. 453910321889 is in the name of one Mr. Aman, who works as a domestic help and resides in the quarters attached to the official quarters of an official of the Indian Air Force. The Court noticed that the photograph of this individual does not match with the photograph in the Aadhaar Card handed over by Mr. Pranay Jain, Id. Counsel for the Petitioner.

13. In the said report, it was also stated that the firm- M/s Compact Enterprises has a bank account with Yes Bank bearing account no. 0328000000079 in which a total sum of Rs. 19,40,14,606/- has been credited from 1st January, 2025 to 30th April, 2025. Inspector Neeraj Kumar had also recorded the statements of Ms. Chandni Malu and her father *i.e.* Mr. Laxmikant Malu, who had rented their premises to the M/s Compact Enterprises. The said persons in their statement recorded by Inspector Neeraj Kumar stated that Mr. Aman very rarely visited the said premises.

14. Inspector Neeraj Kumar, during the course of investigation, visited the residential quarters of Mr. Aman where he met his family. During the said visit, statement of Mr. Aman's brother *i.e.*, Mr. Atul was recorded wherein he has stated that no case has been filed on behalf of his brother for M/s Compact Enterprises in the Delhi High Court.



15. The Oath Commissioner- Ms. Shilpa Verma also appeared on the last date of hearing. She also produced the registers for various dates as directed *vide* order dated 20th May, 2025. According to Ms. Verma, there is usually a large crowd in her office and therefore, she is unable to recall as to whether any of the Petitioners had appeared before her or not.

16. Moreover, on the last date, Id. Senior Panel Counsel for the Union of India had filed a report on behalf of the Unique Identification Authority of India (hereinafter, ‘UIDAI’) in a sealed cover. Mr. Aditya Singla, Id. SSC and Mr. Aakash Pawar, Id. Counsel for the Respondent had also handed over reports in all the four cases received from the GST Department.

17. This Court based on these reports which were placed on record on the last date, directed S.H.O, P.S Shahdara to produce Mr. Aman in Court on 29th May, 2025 *i.e.* today at 2:30 p.m. Further, the report filed by the UIDAI of all the four persons was handed over to Id. Counsels appearing for the Department *i.e.* Mr. Singla and Mr. Pawar as also to Mr. Sanjay Lao, Id. Standing Counsel (Criminal), GNCTD, to conduct further enquiries on the basis of the information in the said report and present the same before the Court. The relevant portion of the said order dated 28th May, 2025 reads as under:

*“10. Under these circumstances, it is deemed appropriate to **direct the S.H.O. PS Shahdara to produce Mr. Aman in the Court on 29th May, 2025 at 2:30 p.m.***

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*16. The UIDAI data is usually protected by the laws of privacy. However, considering the nature of the illegalities in this matter, **the details supplied by the UIDAI of all the four persons including their addresses and mobile numbers are handed over to the***



Id. Counsels appearing for the Department i.e. Mr. Panwar and Mr. Singla as also to Mr. Sanjay Lao, Id. Standing Counsel (Criminal), GNCTD.

17. *Let further enquiries be made about these individuals on the basis of their addresses and mobile numbers and whatever details can be gathered be presented to the Court tomorrow i.e., 29th May, 2025 at 2:30 p.m.”*

18. Today, Mr. Sahib Alam has been produced in the Court. He is the proprietor of the M/s Royal Enterprises. He states that he came in touch with one Mr. Rajat, who is a scrap dealer in Ghaziabad, Loha Mandi. Mr. Rajat offered him a job for managing entry and exit of vehicles. Under the pretext of giving Mr. Alam employment, his Adhaar Card and Pan Card were taken by Mr. Rajat. He was also made to open a bank account in Jammu and Kashmir Bank, however, the details of the same are not known to him. Although, after Mr. Alam had given his PAN Card and Adhaar Card to Mr. Rajat, no employment was offered by him to Mr. Alam.

19. According to Mr. Alam, he has been cheated “by Mr. Rajat”. At this stage, he is being shown the Aadhaar Card in the name of Mr. Alam handed over by Mr. Pranay Jain, Id. Counsel for the Petitioner which has a photograph. Though the Aadhaar Card number and other details are the same, the photograph is different. Mr. Alam does not recognize the person in the said photograph.

20. It is therefore clear that the Aadhaar Cards which have been filed by the Id. Counsel for the Petitioner are forged and fabricated. This fact is also confirmed by the officials of Directorate General of GST Intelligence (hereinafter, ‘DGGI’) who are present today and also the Id. Counsel appearing for the Delhi Police.



21. Insofar as Mr. Aman is concerned, the submission of Mr. Singla, ld. SSC for the Respondent is that in the bank account maintained by M/s Compact Enterprises at Yes Bank bearing account no. 0328000000079, there has been circulation of more than Rs. 50,00,00,000/- in eleven months.

22. The Inspector, Mr. Neeraj Kumar, PS Shahdara submits that since yesterday, after the order which was passed for production of Mr. Aman, he visited the residence of Mr. Aman wherein he was informed by his father and brother that he is not available.

23. Inspector Neeraj Kumar was then made to go to a different location where a relative of Mr. Aman was staying, however, he was not traced there. Inspector Neeraj Kumar was then directed to go to a hospital in the Mukherjee Nagar area, but on each and every occasion Mr. Aman had been skipped and could not be traced.

24. Inspector Neeraj Kumar has produced before the Court, the father and the brother of Mr. Aman, who submit that they will cooperate with the investigating agencies, as and when required.

25. The other two individuals namely Mr. Satyapal and Mr. Rajan are not traceable till date.

Observations & Findings

26. From all the events transpired in these petitions the following facts have emerged:

- i. The four petitions were filed by persons who did not have any authority on behalf of these firms as of now.
- ii. The four petitions were signed by deponents who were fictitious persons.
- iii. The Aadhaar Cards which were relied upon by Mr. Pranay Jain,



- ld. Counsel for the Petitioners are clearly forged and fabricated.
- iv. From the register of the Oath Commissioners, it is not even clear as to whether the persons who have signed the affidavits had even appeared before Ms. Shilpa Verma, Oath Commissioner or not as she could not recognize them even from their Aadhaar Card or photographs.
- v. The SCNs which were filed with the writ petitions were also forged and fabricated.
27. The four Petitioners *i.e.* M/s S R Enterprises, M/s Trix India Sales Corporation, M/s Royal Enterprises and M/s Compact Enterprises are stated to be run by the following people namely:

S.No.	Name	Aadhaar Number	Current Address	Current Mobile No.
1.	Mr. Satyapal	498091297686	S/o Shankar, R/o Plot No. 34, Gali No. 7, Sant Surdas Nagar, Sector-74, Mirzapur, Ballabgarh, Faridabad, Haryana-121004	9871573611
2.	Mr. Rajan	985580468256	S/o Tribhuwan Prasad, R/o House No. 53 A, Block-F2, Hamdard Nagar, Hauz Khas, South Delhi, Delhi-110062.	9910883450
3.	Mr. Sahib	655605243580	C/o Mohd. Anwar, R/o Building No.	7302903835



	Alam		610, Gali No. 8, New Mustafabad Gokal Pur, Seelampur North East Delhi, Delhi-110094.	
4.	Mr. Aman	453910321889	S/o Ashok, R/o H. No. 16, Air Force Station, Arjangarh Aya Nagar, South Delhi, Delhi-110047	9711569337

28. However, Mr. Sahib Alam, who is present in the Court today clearly does not even run M/s Royal Enterprises. He is in fact unemployed.

29. Mr. Aman is allegedly working as a domestic help within residential quarters of an official of the Indian Air Force and is also residing in the quarters there. Mr. Aman *prima facie* could not have a sum of Rs. 50,00,00,000/- circulated through his bank account.

30. The persons who are controlling these firms and these individuals are clearly not known to the Court as of date. The same appears to be a well-planned conspiracy to commit GST fraud and to obtain monetary benefits and would require an in-depth investigation by the concerned authorities.

31. The extent of knowledge of Mr. Pranay Jain, Id. Counsel for the Petitioner is also not clear at this stage as to who approached him for filing the petitions, who gave him the copies of the SCNs and how he got the forged Aadhaar Cards of these individuals for filing of the writ petitions.

32. Mr. Puri, Id. Sr. Counsel appearing for Mr. Pranay Jain submits that the identity of the persons who gave the Aadhaar Card and documents to Mr. Pranay Jain, Id. Counsel for the Petitioner is not known.

33. Under these circumstances, this Court is of the opinion that the



seriousness of the matter requires registration of a First Information Report (hereinafter, '*FIR*').

34. The DGGI officials present in Court shall, within one week conduct thorough investigation and file a complaint with the Crime Branch, Delhi Police who shall then register an FIR forthwith.

35. Upon the registration of the FIR, the law shall take its course and the matter shall be prosecuted by the DGGI, in accordance with law.

Oath Commissioner:

36. Ms. Shilpa Verma is present in the Court today. The original Registers of Ms. Verma, retained with the Court Master, are returned today. Ms. Verma submits that Oath Commissioners do not work under very comfortable circumstances and the areas where they sit are quite crowded. It is for the concerned Courts to create some area for attestation of affidavit by Oath Commissioners and Notaries. Ms. Verma further submits that at the place where Oath Commissioners sit, some directions could be issued for photographs to be taken for deponent so that such incidents do not occur in future.

37. Let the present order be communicated to the Law Secretary, Government of National Capital Territory of Delhi as also to the Secretary, Ministry of Law & Justice, Union of India for considering whether taking of photographs ought to be insisted upon when affidavits are attested by the Oath Commissioner and Notaries, so as to ensure physical presence of deponents.

Final orders in the Writ Petitions

38. The orders which were passed by the Court *i.e.* two orders dated 3rd February 2025, and the orders dated 27th February 2025 and 6th March 2025, in these four writ petitions are accordingly re-called.



39. In future, when GST matters are filed, Id. Counsels shall take some precautionary measures to ensure that the documents that are attached are not forged and fabricated and some verification through the GST portal is done to ensure the veracity of the documents.

40. In view of the fact that the affidavits as also the documents including the SCNs in the present matter are forged and the persons *i.e.* Petitioners are fictitious, it is deemed expedient in the interest of justice that an inquiry ought to be conducted for the offences of forgery, fabrication, etc. Accordingly, the Registrar General is directed to lodge a complaint against all the Petitioners under Section 215 read with Section 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for offences under Sections 227, 228, 229, 233, 236, 237, 246, 336(1) and 340(2) of the Bharatiya Nyaya Sanhita, 2023.

41. The non-bailable warrants issued against Mr. Sahib Alam are discharged, subject to the undertaking that Mr. Alam shall join the investigation being conducted by the DGGI.

42. Mr. Firoz Khan, Id. Counsel appearing for Mr. Sahib Alam undertakes and assures the Court that his client would cooperate and join the investigation.

43. Accordingly, the four petitions are dismissed. Pending application(s), if any, also stand disposed of.

44. No further orders are called for.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MAY 29, 2025/da/ck