

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17716 of 2024

M/s Shiv Construction, through its Proprietor Rajiv Ranjan, male aged about-41 years son of Ganesh Prasad Yadav, Resident of Ward No.20 Main Road, Opposite Shiv Mandir P.O. and P.S.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Commissioner of State Taxes, New Secretariat, Patna.
2. The Joint Commissioner, State Taxes, Supaul.
3. Smt. Manisha Kumari, W/o Pramod Kumar, Resident of Ward No. 9, Lohia Nagar, Supaul, P.O.+P.S.- Supaul, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Archana Sinha @ Archana Shahi, Sr. Adv. Mr. Alok Kumar Shahi, Advocate Mr. Komal Raj, Advocate
For the Respondent/s	:	Mr. Standing Counsel (11)
For the Respondent No.3:		Mr. D.V. Pathy, Sr. Advocate Mr. Vikash Kumar, Advocate Mr. Sadashiv Tiwari, Advocate Mrs. Prachi Pallavi, Advocate Ms. Shivani Dewalla, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 01-09-2025

Heard learned counsel for the petitioner and the learned Senior counsel for respondent no. 3. Respondent nos. 1 and 2 are represented through the learned Standing Counsel No. 11.

2. Petitioner in the present writ application is seeking the following reliefs:-

“A. Issue a writ of Mandamus or any



other appropriate writ, order or direction to quash the suspension order dated August 31, 2023, suspending the petitioner's GST registration (GSTIN [Petitioner's GST Number]), and direct the Respondent to immediately reinstate the petitioner's GST registration to enable the continuation of business operations.

B. Direct the Respondent to Restore Access to the GST portal under the original authorized signatory, Mr. Rajeev Ranjan, including restoring the petitioner's registered mobile number and email address, so the petitioner can meet statutory GST compliance requirements.

C. Order an Investigation into the acceptance of forged documents that led to unauthorized changes in the GST registration details, including a full review of how the changes were processed without verification, to prevent similar occurrences in the future.

D. Grant Interim Relief by way of a temporary reinstatement of the petitioner's GST registration and access to the GST portal under the original credentials pending the final resolution of this petition, to mitigate the ongoing business losses.

E. Award Compensation for the financial losses, erosion of capital, and



damage to goodwill caused by the unlawful suspension of GST registration, as this Hon'ble Court deems fit and just under the circumstances.

F. Grant any other relief that this Hon'ble Court may deem just, proper, and equitable in the interests of justice.

G. For any other consequential relief or reliefs for which the petitioner is found entitled during the course of hearing of the writ petition.”

3. It is stated that the petitioner is a partnership firm duly registered under the Goods and Services Tax Act. It is stated that the petitioner registered for GST on the basis of a duly registered partnership deed with valid proof of place of business, partners' details and all other required documents. At the time of registration, the authorized signatory was designated as Mr. Rajiv Ranjan with his contact details recorded in the GST portal.

4. Learned counsel for the petitioner has contended that the respondent-authorities suspended the petitioner's GST registration without due investigation into the petitioner's complaint regarding unauthorized changes made based on the forged documents. He has assailed the impugned order of suspension, which has come on the record with the



counter affidavit as Annexure- R-2/1 on the ground of violation of principles of natural justice.

5. The respondent no. 2 has filed a counter affidavit from which it appears that there are claims and counter claims of the rival partners as regards their rights in the partnership firm. In paragraph- 16 of the counter affidavit of respondent no. 2, it is stated that “..... since the claims and counter claims of rival partners were found dubious and contradictory, the registration of the petitioner has been temporarily suspended to protect the interest of the revenue in accordance with provisions under Section 29(2)(e) of CGST/BGST Act.....”

6. The counter affidavit also gives an impression that an inquiry was conducted through the Circle In-charge ICST, Supaul, who submitted a detailed report. The order of suspension has been sought to be justified by the respondent.

7. The respondent no. 3 has also filed a counter affidavit in which she has claimed herself a partner of the petitioner's firm. Several facts relating to the partnership firm and its business as also the changes brought in the partnership firm have been stated in the counter affidavit.

8. In course of hearing, it is admitted by learned



counsel for the State-respondents as well as the respondent no. 3 that prior to passing of the order of suspension, as contained in Annexure- R-2/1 no notice or opportunity of hearing was given to the petitioner. It is also not disputed that at the time of registration, the authorized signatory was designated as Mr. Rajiv Ranjan, as stated in paragraph- 1.2 of the writ petition.

9. The parties agree that the kind of dispute between the partnership firm may at best be discussed before the State-respondents to take a view as to whether any action with regard to registration of the partnership firm is required to be taken or not on the basis of the complaint of the rival partners. The parties are unanimous that all attempts be made to save the business and not to kill it.

10. Having regard to the submissions noted hereinabove, this Court directs the Joint Commissioner, State Taxes, Supaul to give fresh opportunities to the parties, if they so desire, to file their response to the complaint and after giving them an opportunity of hearing appropriate order be passed, preferably within a period of four months from the date of receipt/production of a copy of this order.

11. Earlier, this Court, vide order dated 10.07.2025 stayed the operation of the suspension order dated 31st of



August, 2023 and by virtue of said interim order of stay, the petitioner has filed its updated returns as also response on 14.05.2025. In fact, it is stated that prior to the order dated 10.07.2025, this Court had passed order dated 30.04.2025 by which the respondent no. 2 was directed to give access to the petitioner's firm through the present writ petitioner to the portal to enable him to submit his response to the show cause. The same has been done.

12. We direct that until a final decision is taken in the matter by respondent No. 2, order of suspension as contained in Annexure- R-2/1 shall not be given effect to.

13. This writ petition is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2025
Transmission Date	NA

