



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.7331 OF 2026

Bi-Chem India Private Limited ...Petitioner  
Versus  
Union of India ...Respondents

Mr. Abhishek A Rastogi a/w. Ms. Pooja M. Rastogi a/w. Ms. Meenal Songire  
a/w. Ms. Aarya More a/w. Mr. Chayank Bohra, for Petitioner.

Mr. Amar Mishra, AGP for Respondent – State.

Mr. Sanjay Sonawane, Asst. Commissioner (D-108) Enforcement Branch, Mumbai.

CORAM: G. S. KULKARNI &  
AARTI SATHE, JJ.

DATE: 11 MARCH 2026

P.C.

1. This Petition under Article 226 of the Constitution of India is filed  
praying for the following substantive reliefs:

(A) Declare that the impugned action of the Respondent No. 3 in issuing the Impugned SCN dated 18.02.2026, annexed hereto as Exhibit "A", is perverse, arbitrary, and violative of the principles of natural justice; issued without due application of mind; ultra vires Section 29 of the CGST Act read with Rules 21 and 21A of the CGST Rules, violative of the fundamental rights guaranteed under Articles 14, 19(1)(g), and 21 of the Constitution of India;

(B) Declare that the impugned action of the Respondent No. 4 in issuing the Impugned Recovery Notice and the Impugned Provisional Attachment Notice dated 03.02.2026, annexed hereto as Exhibit "B" and Exhibit "C" respectively, is arbitrary and passed without due application of mind; ultra vires Section 83 of the CGST Act; contrary to the principles of judicial discipline; is in contravention of the binding guidelines prescribed by the Hon'ble Supreme Court in Radha Krishan (supra); and wholly without and or in excess of jurisdiction.

(C) Issue a Writ of Certiorari or a Writ in the nature of Certiorari or any other writ, order or direction under Article 226 of the Constitution of India calling for the records pertaining to the Petitioner case and after going into the validity and legality thereof quash and set aside the Impugned SCN dated 18.02.2026, Impugned Recovery Notice and Impugned Provisional Attachment Notice dated 03.02.2026 passed by the Respondent No. 3 and 4 (Exhibit "A", "B" & "C");

(D) Issue a Writ of Mandamus or a writ in the nature of Mandamus or any other writ, order or direction under Article 226 of the Constitution of India, directing the Respondent No. 3 & 4 to immediately restore the registration of the Petitioner suspended by the Respondents in order to continuance of the business;

E) Issue a Writ of Mandamus or a writ in the nature of Mandamus, or any other appropriate writ, order or direction under Article 226 of the Constitution of India,

directing Respondent Nos. 4 to forthwith defreeze the bank accounts of the Petitioner, which have been provisionally attached by Respondent No. 4 under Section 83 of the CGST Act.

(F) Issue a Writ of Mandamus, or a Writ in the nature of Mandamus, or any other appropriate Writ, Order, or directions, restraining Respondents, their officers, and subordinates from taking any action or coercive steps, in any manner, in consequence of or in relation to the Impugned SCN dated 18.02.2026; Impugned Recovery Notice and Impugned Provisional Attachment Notice dated 03.02.2026 passed by the Respondent No. 3 and 4 (Exhibit "A", "B" & "C"), during the pendency of the present Writ Petition.

(G) Pending the hearing and final disposal of the present Petition, stay the operation and effect of the Impugned SCN dated 18.02.2026, the Impugned Recovery Notice, and the Impugned Provisional Attachment Notice dated 03.02.2026, annexed hereto as Exhibit "A", Exhibit "B" and Exhibit "C" respectively to the present Petition.

2. Mr. Rastogi, learned counsel for the Petitioner, made elaborate submissions, inter alia contending that the impugned action of suspending the Petitioner's registration under the CGST/SGST Act could not have been taken in the facts and circumstances of the present case. It is submitted that such action would be contrary to several decisions of this Court as well as of the Supreme Court.

3. After the proceedings were heard for some time, learned Counsel for the Revenue fairly stated that instructions can be taken as to whether the lawful procedure had been followed for taking any action with regard to the cancellation of the Petitioner's registration, we accordingly passed over the proceeding to be called out at 3 p.m.

4. In the second session, on instructions from Mr. Sonawane, Assistant Commissioner, who is stated to be present in Court, Mr. Amar Mishra, learned AGP submitted that the suspension of the Petitioner's registration shall forthwith stand withdrawn, and the registration of the Petitioner shall be restored and made operational.

4. Mr. Amar Mishra has further submitted that, in so far as any action is to be taken against the Petitioner, an opportunity of hearing shall be granted to the Petitioner on the Show Cause Notice dated 18 February 2026, and thereafter, by following the due process of law, appropriate action as permissible in law shall be taken.

5. In this view of the matter, a similar position would be required to be adopted by the Respondent–Revenue in so far as the recovery notice dated 3rd February 2026 is concerned. The lawful procedure would be required to be followed and an order in accordance with law be passed in regard to any recovery, after verifying the record and considering the contentions which the Petitioner intends to urge.

6. In these circumstances, further adjudication of the matter is not called for. The Petition is accordingly disposed of in terms of the following order:

- i) The statement made on behalf of the Respondent–Revenue that the impugned suspension of the Petitioner’s registration stands withdrawn, is accepted.
- ii) As a consequence of the aforesaid statement, the registration of the Petitioner shall forthwith stand restored.
- iii) The Petitioner shall be granted an opportunity of hearing on the Show Cause Notice dated 18th February 2026. The Petitioner shall submit all materials and documents intended to be relied upon within a period of 10 days from today. The hearing shall take place within a period of 7 days from the date of submission of such documents, and an order on the show cause notice shall be passed in accordance with law within a period of 15 days from the date of hearing.
- iv) Insofar as the impugned recovery notice dated 3rd February 2026 is concerned, the same shall not be acted upon. The competent officer shall follow the due procedure of law and pass an appropriate order in the event any recovery is proposed to be proceeded against the Petitioner.
- v) All contentions of the parties in the proceedings are expressly kept open.
- vi) The Petition stands disposed of in the aforesaid terms. No order as to costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)