

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8175 OF 2015

M/s. Super Impex

... Petitioner

Vs

1. The Union of India & Anr.

... Respondent

Mr. Altaf Khan i/b Mr. Nitesh Acharya for the Petitioner.

Ms. P.S. Cardozo for the Respondent No.2.

**CORAM : S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

MONDAY, 9TH JANUARY, 2017

P.C. :

1 The writ petition impugns a show cause notice.

2 The challenge is based entirely on factual grounds. This is not a case where the show cause notice is issued without jurisdiction or there is any proof of *mala fides* in issuance of the same. Once the issue raised before us touches the merits of the allegations in the show cause notice, then, we are not in a position to entertain the writ petition. The law is clear that it is only in exceptional circumstances that a writ petition under Article 226

of the Constitution of India lies against a show cause notice. Those exceptions are not pleaded, far from being proved.

3 In such circumstances, the writ petition is devoid of merits. It is dismissed.

B.P. COLABAWALLA, J. *S.C. DHARMADHIKARI, J.*