

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7443 OF 2018

Altaf Subhan Shaikh

.... Petitioner

Vs.

Commissioner of Customs (NS-III)

SIIB(I) & Anr.

.... Respondents

Mr. Atish D. Ray i/by Mr. Prashant Nakati for the Petitioner.
Mr. Karan Adik with Mr. Ram Ochani for the Respondents.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : AUGUST 06, 2018

P.C:

1. This is one more instance where the petitioner is invoking writ jurisdiction to challenge a show cause notice. The show cause notice (Exhibit-E, page 79) dated 6-3-2018/12-6-2018 is stated to be issued without jurisdiction and therefore a writ would lie, is the argument.

2. The petitioner, on receipt of this show cause notice, has responded by his communication and a copy of that

communication, annexed at page 88, Exhibit-F, would reveal that each and every argument or response touches the jurisdiction as well as merits. The show cause notice is yet to be adjudicated. These are highly disputed questions of fact. We do not think that in such matters we can hold that the show cause notice is issued *ex facie* without jurisdiction and authority vested by law and interfere therewith in our writ jurisdiction. The petitioner must allow the show cause notice to be adjudicated and in the event an order adverse to his interest is passed, there are remedies of not one but two appeals. In the teeth of such plural remedies, we would not entertain the writ petition. It is dismissed.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)

Suresh
Jagdish
Sajnawat

Digitally signed
by Suresh
Jagdish Sajnawat
Date: 2018.08.09
11:44:20 +0530