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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4616 OF 2025

M/s. Sterling And Wilson Pvt Ltd Through Baptla V. Raju …Petitioner

Versus

Union Of India And Ors …Respondents

Mr. Amol Ghurde h/f. Mr. P. M. Havnor, for Petitioner.
Mr. Jitendra Mishra a/w. Mr. Rupesh Dubey, for Respondent No.1.
Mr. Karan Adik, for Respondent No.2.

Ms. Shruti Vyas a/w. Ms. Niyati Mankad (through VC) and Ms. Priyanka Singh, for Respondent Nos.3 and 4.

CORAM: M.S. Sonak &
Jitendra Jain, JJ.

DATED: 28 July 2025

PC:-

1. Heard learned counsel for the parties.

2. The challenge in this petition is to the order dated 24 January 2025 made by respondent No.4 (Exhibit B)

3. In paragraph No.22, the petitioner has stated that the petitioner does not have any other efficacious remedy. This is a false statement. The impugned order at Exhibit B on its first page, points out to the petitioner that this order is appealable.

4. No contentions have been advanced as to why the usual rule of exhaustion of alternate remedy should be bypassed. By merely making a statement in one of the grounds of the petition that the requirement of pre-deposit is harsh, the usual practice of exhaustion of alternate remedies cannot be bypassed.

5. Apart from raising a legal ground in paragraph 13 (w), there are no pleadings why in the facts of this case, the requirement of pre-deposit is harsh or should be waived in case of the petitioner company.

6. In case of ***Oberoi Constructions Ltd. vs. The Union of India & Ors.***[1]***, and Bank of Baroda vs. Farooq Ali Khan***[2]***,*** this Court and Hon'ble Supreme Court has held that remedies have been provided under the statute and it should not be lightly bypassed. By adopting the reasoning therein, we dismiss this petition, but grant the petitioner liberty to avail of alternate remedy available under the law by complying with the prescribed pre-conditions regarding pre-deposit etc.

(Jitendra Jain, J) **(M.S. Sonak, J)**

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1 *Writ Petition (L) No.33260 of 2023 dated 11 November 2024*

2 *(2025) 171 taxmann.com 643 (SC)*