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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11330 OF 2025

M-s. Maharashtra Information Technology Ltd.
(Mahait) Thr. Its Chief Finance Officer ...Petitioner
Versus
The Union Of India Thr. Its The Principal Secretary
Government Of India And Ors ...Respondents

Mr. Pradmod N. Patil, a/w Ashish S. Gaikwad, Anirudh R. Rote, Sagar G. Bhoir, Dhairyasheel Kale, for Petitioners.

Mr. Deepak Singh (through V.C), a/w Maya Majumdar, for Respondents.

Ms. S.D. Vyas, Addl. G.P. a/w Mr. M.M. Pabale, AGP for the State.

CORAM : M.S. Sonak &
Advait M. Sethna, JJ.

DATED : 01 December 2025

P.C.:-

1. Heard learned counsel for the parties.

2. In effect, the petitioner is challenging the show cause notice dated 28 June 2025 on the ground that the issue raised in this show cause notice stands covered by orders dated 22 April 2024 and 25 May 2025 issued by the State GST authorities.

3. Learned counsel for the petitioner states that in terms of section 6 of the CGST Act, once, the Central Government authorities have already initiated proceedings, the State GST official cannot initiate proceedings regarding the same subject matter. He submits that in this case, the said proceedings have already concluded by the above two orders. Therefore, the issuance of the impugned show cause notice by the central authorities is wholly without jurisdiction.

4. On behalf of the first and second respondents, Ms Neha Nikam, Deputy Director of the Directorate General of GST Intelligence, Mumbai (CGST) authorities, has filed an affidavit.

5. The affidavit, apart from referring to specific factual issues, states that the petitioner is neither the State Government nor any authority covered under the notifications that the petitioners seek to rely upon. Further, the affidavit states that the scope of the two investigations by two different authorities is quite dissimilar. Accordingly, it is contended that the provisions of Section 6 of the CGST Act would not apply.

6. Mr Deepak Singh, learned counsel for the Respondent Nos. 1 and 2, apart from relying on the affidavit in reply, submits that this petition challenges only a show cause notice. He submits that ordinarily, such a petition should not be entertained, and the petitioner should be directed to file a reply to the show cause notice if it so chooses. He submits that several factual issues are involved in this matter, which could be adjudicated in the show-cause notice proceedings.

7. We have considered the rival contentions, and we agree that this is not a fit case to entertain this petition, and the Petitioner should be relegated to respond to the impugned show cause notice.

8. The issue of the applicability of Section 6 of the CGST Act to the facts and circumstances of this case is contentious; a detailed review of the two proceedings would be necessary. The scope and import of the proceedings held by the State Authorities, as well as those now proposed by the Central Authorities, will have to be examined.

9. Considering the factual elements involved, we cannot agree that the impugned show cause notice is "wholly without jurisdiction". Such a conclusion, if at all, will have to await examination of the factual matters and the scope of the concluded and the proposed proceedings.

10. One of the orders upon which the petitioner relied appears to have been made in the audit proceedings. The scope of such an order under the provisions of Section 6 of the CGST Act will also have to be examined. The precise status of the Petitioner will also have to be determined, now that the respondents do not admit that the Petitioner is a government authority entitled to the benefits the Petitioner claims. All these matters can be best examined in the adjudication of the impugned show cause notice.

11. Accordingly, no case of an extraordinary nature or exceptional nature has been made out by the petitioner to justify avoiding even responding to the impugned show cause notice or for insisting that this Court exercise its extraordinary jurisdiction under Article 226 for examining the challenges to the impugned show cause notice. In that sense, the predicates of the exceptions carved out in **Whirpool Corporation Vs. Registrar of Trademark**[1] cannot be said to have been fulfilled in this matter.

12. In **Rishi Techtex Ltd. & Others Vs. Union of India & Ors.**[2]**,** and related matters, we have declined to entertain a writ petition challenging a show-cause notice in somewhat similar facts and circumstances. By adopting the reasoning in the said order, we decline to entertain this writ petition.

13. In the case of **Union of India V. Coastal Container Transporters Association**[3]**,** the Hon'ble Supreme Court did not approve the action of the High Court in quashing show cause notices, particularly when they related to the issue of classification. The Hon'ble Supreme Court held that where the case was neither a lack of jurisdiction nor any violation of the principles of natural justice, the High Court ought not to have entertained the writ petition at the stage of notice, more so, when, against the final orders, an appeal lies to the Supreme Court. The Court held that in such circumstances, the Petitioner should be directed to respond to the show cause notices by placing all material in support of his stand so

1. (1998) 8 SCC 1
2. WP No. 16140 of 2024 decided on 24 November 2025.
3. (2019) 62 GSTR 398

that the authority which has issued the show cause notice can examine the same and decide the issue.

14. In **Special Director V. Mohd. Ghulam Ghouse**[4]**,** the Hon'ble Supreme Court, has explained that unless the show cause notice which is impugned before the High Court was 'totally non-est in the eyes of the law' or there was "an absolute want of jurisdiction of the authority even to investigate the facts", writ petitions should not be entertained for the mere asking and as a matter of routine. The Court held that the writ petitioner should invariably be directed to respond to the show cause notice and raise all defences and contentions which may be highlighted in the writ petition. The Court held that whether the show cause notice was founded on any legal premises or the jurisdictional issue, the recipient can urge it before the authority issuing the notice. Such issues can also be adjudicated by the authority issuing the notice.

15. In the case of **Mahanagar Telephone Nigam Ltd V. Chairman, Central Board, Direct Taxes (No.14)**[5]**,** the Hon'ble Supreme Court held that the litigation against show cause notices should not be encouraged. The Court held that even after adjudication, the Petitioner could still challenge the order by filing an appeal before the Appellate Authority.

16. Similarly, in the case of **Malladi Drugs and Pharma**

[4]. (2004) 3 SCC 440

[5]. 2004 6 SCC 431

Ltd. Vs. In the Union of India[6]***,*** the Hon'ble Supreme Court approved the action of the High Court in dismissing the writ petition against the mere show-cause notice. The High Court in that case held that the Petitioner should first raise all objections before the authority that issued the show cause notice.

17. In the case of the **State of Maharashtra V. Greatship (India) Limited**[7]**,** the Hon'ble Supreme Court, after examining its earlier precedents on the issue of alternative remedies, held that Article 226 is not intended *"to short-circuit or circumvent statutory procedures."* It is only when statutory remedies are entirely unsuitable to address extraordinary situations—for instance, when the very validity of the statute's vires is in question or when private or public wrongs are inseparably intertwined and require prevention of public injury and the vindication of public justice—that recourse to Article 226 of the Constitution may be justified; such exceptional jurisdiction can be invoked. However, even then, the Court must have substantial and compelling reasons to bypass the statutory alternative remedy. The Hon'ble Supreme Court further observed that, clearly, matters involving revenue, where statutory remedies are available, do not fall under such exceptional circumstances.

18. In **United Bank of India v. Satyawati Tondon & Ors**.[8], the Hon'ble Supreme Court observed, "*we can also take*

[6]. (2020) 12 SCC 808

[7]. Civil Appeal No. 4956 of 2022, decided on 20 September 2022

[8]. (2010) 8 SCC 110

judicial notice of the fact that the vast majority of the petitions under Article 226 of the Constitution are filed solely for the purpose of obtaining interim orders and thereafter prolong the proceedings by one device or the other. The practice certainly needs to be strongly discouraged".

19. In the case of **Oberoi Constructions Ltd Vs Union of India & Ors**[9]**,** we needed to discuss the law and several legal precedents about exhaustion of alternate remedies. By adopting the reasoning therein and following the precedents referred to therein, we decline to entertain this Petition, leaving it open to the Petitioners to raise all contentions in response to the show cause notice. This would include the contentions now raised in this Petition or urged before us.

20. For the above reasons, we dismiss this petition, leaving it open to the petitioner to raise all permissible contentions before the adjudicating authority, including those raised in this petition.

21. Mr Patil, learned counsel for the petitioner, states that the time for filing a reply to the impugned show cause notice may now be extended by four weeks, commencing from today. Since the petitioner was pursuing this petition, we extend the time for filing a reply to the impugned show cause notice up to 31 December 2025.

22. Suppose the reply is filed by 31 December 2025. In that case, the adjudicating authority must dispose of the show

[9]. 2024 SCC OnLine 3508

cause notice proceedings on its own merits by dealing with the contentions raised in the reply. However, we clarify that all contentions of all parties are expressly left open.

23. Suppose the petitioner is aggrieved by the order disposing of the impugned show cause notice. In that case, the petitioner will have the liberty to challenge such an order in accordance with the law before the appropriate forum.

24. This petition is disposed of with liberties in the above terms. No costs.

(Advait M. Sethna, J) **(M.S. Sonak, J.)**