

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

WRIT PETITION NO.12073 OF 2025

Nico Extrusion Limited

... Petitioners

Versus

Union of India & Ors.

... Respondents

Mr. Bharat Raichandani (Thr. VC), a/w Ms. Dhanistha Kawle
i/b. UBR Legal Advocates for Petitioners.

Mr. Ram Ochani, a/w Sangeeta yadav for Respondents.

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

DATED : 24 September 2025

P.C.:-

1. Heard Mr. Raichandani (Thr. VC) along with Ms. Dhanistha Kawle, for the Petitioner and Mr. Ochani for the Respondent. The Petitioner challenges order dated 27 November 2024 by which the Appellate Authority dismiss the Petitioners' Appeal on the ground of shortfall in pre-deposit amount.

2. The record shows that the Petitioners were not given any notice regards such alleged shortfall. The Petitioners were also not given any opportunity to make good the shortfall.

3. In **Gem Exporter vs. Union of India** in Writ Petition (L) No.25142 of 2022 decided on 2 August 2023, a co-ordinate Bench has held that a reasonable opportunity should be given for rectifying the procedural defects in stead of rushing to dismiss the Appeals on such grounds. There are several other decisions in which this Court has held that Appeals should not be dismissed on such technical pleas without apprising the Appellants of the procedural deficiencies and giving them sufficient time to rectify them.

4. Accordingly, for the above reasons, we set aside the impugned order dated 27 November 2024 and restore the Petitioners Appeal to the file of the Appellate Authority. The Appellate Authority shall give the Petitioners an opportunity to argue on the issue of pre-deposit and if necessary, to make good the shortfall. Once the shortfall, if any, is deposited, the Appeal must be heard on merits and in accordance with law.

5. The Rule is made absolute to the above extent without any order for costs. All concerned must act upon an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J.)