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

WRIT PETITION NO. 13461 OF 2025

Sunil Ramakant Parab

...Petitioner

Versus

Additional Commissioner of Customs
Import Group VB ACC I Mumbai and
Others

...Respondents

*Mr. Sudyumna Nargolkar with Ms. Neeta Patel i/b Mr. S. R.
Nargolkar, for Petitioner.*

*Mr. Satyaprakash Sharma with S. K. Das Harpreet Kaur, for
Respondent Nos. 1 to 3.*

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

DATED: 11 NOVEMBER 2025

PC:-

1. Heard the learned Counsel for the parties.
2. The Petitioner, the Customs Broker, challenges the order-in-original dated 29 July 2025 imposing a penalty upon him.
3. The Petitioner has an alternate and efficacious remedy of an Appeal. However, in paragraph No. 27, the Petitioner has listed several reasons why we should entertain this Petition and not relegate the Petitioner to the remedy of an Appeal.
4. We have examined the reasons and also heard Mr. Nargolkar, the learned Counsel for the Petitioner. Despite his able

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arguments, we are unable to deviate from the normal practice of exhaustion of alternate remedies.

5. We note that in similar circumstances, we had relegated the importer, Mr. Vikram Mule, to the alternate remedy. The present Appellant is only a broker. There is no reason why we should allow the present Appellant to maintain the present Petition while relegating the main importer to avail of the alternate remedy available under the said statute. This is evident from our order dated 16 October 2025 disposing of Mr. Vikram Mule's Writ Petition No. 3871 of 2025.

6. Even the contentions now raised, if accepted, do not render the impugned order to be passed only without jurisdiction. At the highest, the impugned order may be found to be erroneous, if the contentions now advanced are to be accepted. In these circumstances, no case is made out to deviate from the normal practice of exhaustion of alternate remedies.

7. Accordingly, we dismiss this Petition with liberty to the Petitioner to challenge the impugned order before the Appellate Authority should the Petitioner so desire.

8. Mr. Nargolkar states that an Appeal would be filed within four weeks from the date of the uploading of this order. If this is done, the Appellate Authority is requested to decide the Appeal on merits without adverting to the issue of limitation. This is because the Petitioner was pursuing this Petition bona fide.

9. This Petition is disposed of with liberty in the above terms.
10. No costs. All contentions of all parties on merits are left expressly open because we have not adjudicated such contentions.

(Advait M. Sethna, J)

(M.S. Sonak, J)