

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13920 OF 2025**

Deepak Prabhakar Thakre

...Petitioner

Versus

Union of India

...Respondent

None for the Petitioner.

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

DATED : 01 December 2025

P.C.:-

1. None for the Petitioner.
2. The Petitioner seeks the following substantive reliefs by instituting this Petition:-

“A. That this Hon’ble Court be pleased to issue writ, order or direction of appropriate nature to exempt the Petitioner from the provisions of the pre-deposit under section 107 for the purpose of filing of appeal against order dated 13.1.2025 passed by Respondent No 2;

B. That the Hon’ble Court be pleased to issue writ, order or direction of appropriate nature, staying the order dated 13.1.2025 passed by Respondent No 2, this the disposal of this Appeal;

C. That the Hon’ble Court be pleased to issue writ, order or direction of appropriate nature, staying the order dated

13.1.2025 passed by Respondent No 2, till the time allowed for complying with directions, if any, issued by this Hon'ble High Court, in the present Writ Petition;

D. That the Hon'ble Court be pleased, in the facts and circumstances of the case to issue writ, order or direction of appropriate nature, condone the delay in filing appeal by the Petitioner against the order dated 13.1.2025 passed by Respondent No 2"

3. In the case of ***Lalit Kulthia & Anr. Vs. Commissioner of Customs (Appeals) Mumbai III & Ors.***, Writ Petition No.476 of 2024 decided on 6 December 2024, in the context of the provisions of Section 129 of the Customs Act, 1962 we have held that the condition with regard to the pre-deposit for instituting the Appeal is a mandatory condition that cannot be waived.

4. To the same effect, is the decision in the case of ***Samuvel Chandran Vs. Commissioner of Customs & Anr.***¹. The Special Leave Petition against this decision was dismissed by the Hon'ble Supreme Court in the case of ***Samuvel Chandran Vs. Commissioner of Customs & Anr.***².

5. In ***Kotak Mahindra Bank Pvt. Ltd. Vs. Ambuj A. Kasliwal & Ors.***³ the Hon'ble Supreme Court has held that even the High Court should not direct the appellate authorities to admit and hear Appeals accompanied by the minimum pre-deposit requirement under the said Rule. The Hon'ble Supreme Court held that the discretion under

¹ 2024 SCC OnLine Bom. 4270

² 2025 SCC OnLine SC 1817

³ (2021) 3 SCC 549

Article 226 of the Constitution of India cannot be exercised against the mandatory requirements of a statutory provision.

6. The reliefs that the Petitioner now seeks in this Petition cannot be granted given the above legal position.

7. Accordingly, we dismiss this Petition without any order for costs.

(Advait M. Sethna, J)

(M. S. Sonak, J.)