

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15485 OF 2025**

Satish Punabhai Chandpara

...Petitioner

Versus

Union of India

...Respondent

Adv. Medha Jondhale a/w Anand Jondhale, Rajnandini Jondhale and Harshvardhan Shinde for the Petitioner.

Adv. Karan Adik for the Respondent.

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

DATED : 01 December 2025

P.C.:-

1. Heard learned counsel for the parties.
2. This Petition challenges the show cause notice dated 7 May 2024 and an order dated 30 June 2025. The show cause notice dated 7 May 2024, after adjudication, has culminated into the order dated 30 June 2025. As against this order, the Petitioner has alternate and efficacious remedy.
3. Apart from making vague statements that the Petitioner is completely innocent and has nothing to do with M/s. Safari Gems or the fraudulent diamond export syndicate, there are no clear averments why the Petitioner should not be relegated to avail of the alternate remedy provided by the statute. The Petitioner has also

alleged a violation of natural justice, alleging that it was not allowed to cross-examine some of the parties who had given statements in the adjudication proceedings.

4. Finally, the learned counsel for the Petitioner states that, having regard to the quantum of penalty, it would be harsh to require the Petitioner to resort to the alternative remedy of appeal by making a pre-deposit.

5. The allegations in the Petition regarding the violation of natural justice are vague. In any event, this is not a case of 'no opportunity', but at the highest, this is a case of alleged inadequate opportunity. To determine whether there was indeed any violation of natural justice, this Court would have to examine the several factual issues. Besides, it is well settled that there is nothing like a mere technical breach of natural justice. Prejudice must be pleaded and established. The pleadings fall short of this standard.

6. The plea of violation of natural justice, at least prima facie, has been raised only to avoid making a pre-deposit in the Appeal. The learned counsel for the Petitioner did not even submit that the Petitioner cannot afford to make the pre-deposit amount.

7. Paragraph 32.2 of the impugned order notices that the Petitioner '*has emerged as the key orchestrator of a fraudulent diamond export syndicate, centrally coordinating operations involving the misuse of dummy IECs, forged documents and sheel firms*'.

8. The order gives details about the Petitioner's involvement. Therefore, the submission that the Petitioner is innocent or is not at all involved in the fraudulent diamond export syndicate cannot be accepted at its face value or at this stage. No doubt the Petitioner would be at liberty to appeal the impugned order and convince the appellate authority that the findings recorded in the impugned order are incorrect. However, that is not an exercise which the Writ Court can be expected to undertake based upon bare denials.

9. In the case of *Oberoï Constructions Ltd. Vs. Union of India & Ors.*¹, this Court, examined the issue of exhaustion of alternate remedies in great detail. Relying on the reasoning in the said decision and the reasoning in the several precedents referred to therein, we are satisfied that no case is made out to deviate from the practice of exhaustion of alternate remedies in both these Petitions.

10. Recently, in the case of *Rikhab Chand Jain Vs. Union of India & Ors.*², the Hon'ble Supreme Court has reiterated the position that High Courts should not entertain Writ Petitions under Article 226 of the Constitution, when alternate and efficacious remedies under the statute are available to such Petitioners. The exceptions in this regard have also been considered. To bring the case within the exceptions, the present Petitioners have tried to argue a case that was not even pleaded, apart from giving up the case, which was cursorily pleaded. To deviate from the standard practice of exhaustion of alternate remedies, the Petitioners must make out an exceptional case as was

¹ 2024 SCC OnLine 3508

² Civil Appeal No. 6719 of 2012 decided on 12/11/2025

held by the Hon'ble Supreme Court in case of *Rikhab Chand Jain* (supra). Proper pleadings and material must support such a case.

11. This Court also took a similar view in the case of *Khemchand Uttamchand Bhojwani Vs. Assistant Commissioner of Income Tax* (Writ Petition No.15376 of 2024), decided on 21 April 2025. The Hon'ble Supreme Court by an order dated 12 September 2025 has dismissed the Special Leave Petition (Civil) Diary No.43614 of 2025 filed by the Petitioner as against our order.

12. Recently, by following the above decisions, this Court in the case of *Nikhil Garg S/o Vishnu Prasad Garg Vs. Union of India & Anr.* (Writ Petition No.14616 of 2025, decided on 24 November 2025) declined to entertain the Writ Petition based on vague allegations of breach of principles of natural justice or incapacity to comply with the pre-deposit requirements. Here, the impugned order has recorded that the fraudulent exports were valued at over Rs . 180 crores. The order also records the modus operandi adopted and the Petitioner's role herein, which involved fraudulent operations.

13. For all the above reasons, we dismiss this Petition with liberty to the Petitioner to avail of the alternate remedy of Appeal.

14. The Petition is disposed of with liberty in the above terms. No costs.

(Advait M. Sethna, J)

(M. S. Sonak, J.)