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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.5409 OF 2024

M/s. Armita India Shipping Pvt Ltd ... Petitioner

Versus

State of Maharashtra and Others ... Respondents

**Mr. Sahil Parghi with Ms. Aditi Jain i/b Sriram Sridharan, for
Petitioner.**

Mr. Himanshu Takke, AGP for Respondent Nos. 1 to 3.

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

DATED : 20 September 2025

ORDER:- *(Per M.S. Sonak J.)*

1. Heard Mr. Sahil Parghi, appears with Ms. Aditi Jain for the Petitioner and Mr. Himanshu Takke, learned Counsel for the Respondents.
2. Rule. The Rule is made returnable immediately at the request of and with the consent of the learned counsel for the parties.
3. The Petitioner challenges the order -in-original dated 20th April 2024 on the ground that the same was made without hearing the Petitioner or its representatives.

4. Mr Mishra, learned Counsel for the Respondents, objected to the entertainment of this petition because the Petitioner had an alternate remedy of a statutory appeal. In the alternative, he referred to the affidavit filed on behalf of the Respondents and submitted that the Petitioner's representatives did attend the hearings on several dates between 20th April 2023 and 18th December 2023. He also produced documents on record showing that the Petitioner's representatives did attend several hearings during this period.

5. Mr Pardhi, however, pointed out that the show cause notice pursuant to which the order-in-original dated 20th April 2024 was made was issued on 30th December 2023. He submitted that the hearings Mr Mishra refers to were at the stage of pre-show cause notice and during the audit process. Mr. Pardhi further submits that after the show cause notice was issued, no hearing was given to the Petitioner, and this constitutes a gross failure of the principles of natural justice and fair play.

6. One of the exceptions to the rule of exhaustion of alternate remedies is where failure of natural justice is patent. The record indeed shows that a show cause notice was issued to the Petitioner only on 30th December 2023, i.e. after the conclusion of the hearings at the audit stage or at the highest, pre-show cause notice stage. After the show-cause notice was issued, there is nothing on record to show that the Petitioner was actually heard. The Petitioner has made statements on oath, and there is no record to contradict those statements.

7. On the above short ground, we quash and set aside the impugned order-in-original dated 20th April 2024 and remand the matter to the adjudicating authority for disposal of the notice dated 30th December 2023 in accordance with law and on its own merits. The show cause notice must be disposed of by 28 February 2026. Mr Pardhi submits that the issue of limitation would not be raised. The adjudicating officer must dispose of the show cause notice afresh within four months from the date of the uploading of this order.

8. All contentions of all parties on merits are left open, save and except the issue of limitation.

9. The Rule is made absolute in the above terms without any costs order.

10. All concerned are to act on an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J.)