

CHAITANYA
ASHOK
JADHAV

Digitally signed by
CHAITANYA ASHOK
JADHAV
Date: 2025.09.17
17:45:23 +0530

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

WRIT PETITION NO. 2817 OF 2025

Intec Logistics Private Limited ... Petitioner

Versus

The Union of India And Ors. ... Respondents

Mr. Rahul C. Thakar i/b Mr. Chandrakant B. Thakar, for
Petitioner.

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

DATED : 16 September 2025

P.C.:-

1. Heard learned counsel for the parties. This is a challenge to a show cause notice dated 16 June 2025.
2. Mr. Thakar submits that the notice is without jurisdiction because according to him, in the case of *Union of India And Ors. V/s. Bharat Forge Limited And Anr.*¹, the Hon'ble Supreme Court has observed in paragraph 79 that '*there is also no dispute that it is the officer, dealing with the supplier, who would have jurisdiction in the matter.*' Mr. Thakar submits that in this case, Gujarat Petrochem Industries Pvt. Ltd. had supplied certain services to the Petitioner and

¹ (2022) 17 SCC 188

therefore, the show cause notice issued to the Petitioner by the officer having jurisdiction over the Petitioner is wholly without jurisdiction. He submitted that, at the highest, the proper officer could have issued notice to the Supplier and not the petitioner.

3. We have considered the above contentions as well as the decision of the Hon'ble Supreme Court in the case of ***Bharat Forge Limited*** (supra). The Hon'ble Supreme Court, in fact, allowed the Appeal filed by the Union of India. In the penultimate paragraph, it is observed that there is also no dispute that it is the officer, dealing with the supplier, who would have jurisdiction in the matter.

4. Based upon the above sentence, which, is prima facie, being torn out of the context, we cannot agree that the impugned show cause notice is an exercise wholly without jurisdiction. In any event, the Petitioner can raise all permissible defences and objections in response to the show cause notice. This attempt to stall the show cause proceedings by directly approaching this Court cannot be allowed to prevail. This is a case of taking a chance and delaying the proceedings, quite unmindful of the pressures on the dockets of this court. Neither are any exceptional circumstances made out, nor are the pleadings sufficient to present a clear picture and conclude any ex-facie lack of jurisdiction.

5. In this Court, there are several Petitions, where the Petitioners insist upon bypassing the practice of exhaustion of

alternate remedies by making bald allegations about proceedings being wholly without jurisdiction or a breach of natural justice. Though these are the well-known exceptions in the context of exhaustion of alternate remedies, the deviation from this practice is permitted upon the Petitioners making out an exceptional case which admits of no serious factual disputes. Such deviation cannot be permitted based upon vague pleadings or by relying upon observations dehors the context in which the same are made. This is clearly one such case. The Petitioner has attempted to take a chance to see if some interim relief could be wriggled out, and the show-cause proceedings stalled or delayed.

6. In the case of *Oberoi Constructions Limited V/s. Union of India And Ors.*, Writ Petition (L) No. 33260 of 2023, we have referred to several decisions of this Court and the Hon'ble Supreme Court, on the issue of exhaustion of alternate remedies. By following the reasoning in the said decision and the decisions relied upon therein, we decline to entertain this Petition.

7. To contain the flood of such petitions and to discourage the tendency of taking "chances" or at times, undue advantage of the pressure on the Court's docket, we dismiss this Petition with costs of Rs. 25,000/-, which the Petitioner shall pay to the Government KEM Hospital, within two weeks from today. A compliance report must be filed in this Court by 03 October 2025.

8. The observations in this order are only prima facie, and they are not intended to prejudice the Petitioner's case should the Petitioner respond to the show cause notice. All contentions of all parties are explicitly left open. The Petition is dismissed with costs for the above reasons.

(Advait M. Sethna, J)

(M.S. Sonak, J.)