

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

WRIT PETITION NO.1332 OF 2024

Prasad Hule and another
versus
Union of India and others

Petitioners

Respondents

Mr.Brijesh Pathak i/by Mr.Kartik Vig for Petitioners.

Mr.Jitendra B.Mishra with Ms.Sangeeta Yadav, Mr.Rupesh Dubey for Respondents.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 16th April 2026

P.C.

1. This petition under Article 226 of the Constitution of India is filed
praying for the following substantive reliefs :

“a) that this Hon’ble Court may be pleased to issue a writ, order or direction in the nature of mandamus or any other appropriate writ thereby declaring that the Respondent no.2 did not have jurisdiction to issue the impugned Show Cause Notice No.DRI/AZU/GRU-49/Titan/INT-36/2017/3740 dated 18.09.2020, Exhibit A hereto;

b) that this Hon’ble Court may be pleased to issue a Writ of Certiorari or any other appropriate writ, order or direction calling for the record and proceedings in the Show Cause Notice No. DRI/AZU/GRU-49/Titan/INT-36/2017/3740 dated 18.09.2020, Exhibit A hereto, and impugned Order-in-Original No.187/23-24/COMMR/NS-G/CAC-JNCH dated 5.12.2023, Exhibit C all other records pertaining thereof and after considering the validity, legality and propriety thereof, be pleased to quash and/or set aside the impugned proceedings that is Show Cause Notice, Exhibit-A and Order, Exhibit-C, as illegal, non-est, null and void ab initio, being without jurisdiction, unconstitutional and arbitrary in nature.”

2. Learned counsel for Petitioner Mr.Pathak would submit that,
considering the decision of Supreme Court in **Commissioner of Customs Vs.**

Canon India Private Limited¹, the Petitioner intends to withdraw this petition with liberty to the Petitioner to file an appeal.

3. The contention is fair and acceptable. We accordingly permit the Petitioner to withdraw this petition with liberty to the Petitioner to approach the appellate forum. All contentions of the parties are expressly kept open.

4. In the event an appeal is filed within a period of eight weeks from today, the same be decided on merits without taking any objection as to limitation, as the Petitioner was bona fide prosecuting this petition.

5. Disposed of. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)