

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2143 OF 2026

Kamlesh Navinchandra Shah

...Petitioner

Versus

Union Of India And Anr.

...Respondents

Ms. Neta jain a/w Srushti Patil i/b Alochan Naik for Petitioner.

Mr. Anil Yadav for Respondent No.2.

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

DATE: 25 FEBRUARY 2026

P.C.

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

“(a) this Hon'ble Court be pleased to issue a writ of prohibition or any appropriate writ in the nature of prohibition or order or direction under Article 226 of the Constitution of India from proceeding further with the execution of the order bearing No. ADJ/48/B/SDE/PKA/96 dated 28th March 1996 whereby a penalty of Rs.1,02,10,000/- (Rupees One Crore Two Lakhs Ten Thousand Only) has been imposed upon the Petitioner (being Exhibit - "A");

(b) this Hon'ble Court be pleased to issue a writ of certiorari or any appropriate writ, order or direction under Article 226 of the Constitution of India, to TAR quash and set aside the Respondent No.2 order dated 4th April 2024, 31st July 2024 and 28th April 2025 and restore the Appeal filed by the Appellant without the pre-deposit condition.”

2. We have heard Ms. Jain, learned counsel for petitioner and Mr. Yadav, learned counsel for respondent No.2 for sometime.

3. Considering the nature of the impugned orders passed by the Appellate Tribunal under SAFEMA and the fact that the proceedings are about 28 years old, in our opinion, it would be in the interest of justice that the petitioner be

permitted to deposit the pre-deposit amount within a period of four weeks, and if such amount is deposited, the petitioner be heard on the proceedings filed by him before the Appellate Tribunal under SAFEMA.

4. It is also kept open to the petitioner to invoke the provision of sub-section (2) of Section 52 to file an application for return of the pre-deposit amount on any grounds as may be permissible in law. If such application is filed, it shall be decided on its own merits and in accordance with law.

5. This, more particularly, considering the observations as made in paragraph 2 of the order dated 4 April 2024 passed by the Appellate Tribunal (Exhibit – “G”, page 82).

6. All contentions of the parties on the pending proceedings are expressly kept open.

7. Disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)