

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2632 OF 2026

Ankush Jain ...Petitioner
Versus
Union of India & Ors. ...Respondents

WITH
WRIT PETITION NO. 14625 OF 2025

Ankush Jain ...Petitioner
Versus
Union of India & Ors. ...Respondents

Mr. Brijesh Pathak i/b Pinky Jain for Petitioner.
Mr. Karan Adik a/w Mr. S. D. Deshpande and Sangeeta Yadav for Respondents.

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

DATE: 05 MARCH 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.01/2025-26 dated bearing 08.04.2025, DIN: 202504790C0000916318, Exhibit A and be pleased to quash and/or set aside the Impugned Show Cause Notice dated 08.04.2025, Exhibit A;

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 of the impugned Order-in-Original No. JCP/MKY/ADJN/11/2025-26/R & 1 dated 31.12.2025, bearing DIN :202512790C000000D029, Exhibit-C, and after considering the validity, legality and propriety of the same, be pleased to quash and/or set aside the Impugned Order dated 31.12.2025, Exhibit-C;”

2. The ground on which the petitioner seek interference of this Court under

Article 226 of the Constitution of India is based on the premise that there has been a breach of the principles of natural justice. The petitioner has filed a detailed reply to the show cause notice, being reply dated 2 May 2025, setting out various contentions. However, none of such contentions have been dealt with the impugned Order-in-Original.

3. It is for such reason, according to the petitioner, the impugned order is liable to be set aside as being illegal. Our attention is drawn to the contentions as urged on behalf of the petitioner, and more particularly to ground (c), that there is apparent violation of principle of natural justice and, therefore, the order would be required to be held illegal.

4. Having heard learned counsel for the parties and having perused the record, we are not persuaded to accept the contentions as urged on behalf of the petitioner so as to interfere in the impugned order in the exercise of our discretion jurisdiction under Article 226 of the Constitution, inasmuch as, the petitioner certainly has an alternate remedy, and any grievance in regard to the violation of principles of natural justice can very well urged by the petitioner in an appeal as provided under the relevant provisions of the Customs Act. The reason being that the impugned Order-in-Original, although certainly is also an order passed against the petitioner, the same would be required to be considered holistically in the light of the observations made therein which involves several other persons in the context of the factual matrix involving such persons. Hence, even to refer to the findings which are rendered in the context of the petitioner, the impugned order would require a holistic consideration of the factual matrix involved.

5. In this view of the matter, we are of the clear opinion that no interference in the discretionary jurisdiction of this Court under Article 226 of the Constitution is called for.

6. The petitions are accordingly disposed of with liberty to the petitioner to avail the statutory remedy of appeal as provided under the Customs Act. Let such appeal be filed within a period of three weeks and the same be considered on its own merits, without raising an objection as to limitation for the reason that the petitioner was *bona fide* pursuing the present petition.

7. All contentions of the parties are expressly kept open.

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

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)