

H.C. Shiv

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

WRIT PETITION NO. 1807 OF 2026

Kundan Kishorchand Talwar Petitioner
V/s.
Union of India Respondent

Mr. Manoj Kumar Mishra for the Petitioner.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
SHYAM C. CHANDAK, J.**

DATE: 15th APRIL 2026

P.C.:

Being aggrieved by the Show Cause Notice dated 5th August 2025 vide Letter bearing Reference No.SCN/1050003196/25, the petitioner, who states that he is a businessman and the CFO of a listed company, namely, M/s. Rexnord Electronics and Controls Limited has approached this Court. He states that he is required to travel abroad in connection to his business. He further states that he is the holder of Passport No.Z8256031 which was issued on 22nd May 2025 upon filing all the relevant details. However, the Show Cause Notice dated 5th August 2025 has been issued to him on the ground that he suppressed material information regarding lodging of C.R.No.804 of 2019 under Sections 52, 53 and 54 of the Maharashtra Regional and Town Planning Act (MRTP), 1966 with Waliv Police Station, Vasai.

2) The learned counsel for the petitioner submits that the Show Cause Notice dated 5th August 2025 has been issued in a mechanical manner without any application of mind inasmuch as C.R.No.804 of 2019 is not pending before any criminal court. The

learned counsel for the petitioner refers to a decision in the case of **J. Sri Nisha v/s. Special Director, Adjudicating Authority, Directorate of Enforcement and another.**¹ and submits that the Show Cause Notice dated 5th August 2025 warrants interference of this Court.

3) In the first place, we would indicate that the case of J. Sri Nisha related to a proceeding for violating the provisions of Foreign Exchange Management Act (FEMA), 1999. After a proceeding got initiated, the authorized officer had moved the Competent Authority for seizure of the assets of the concerned party. However, the Competent Authority had declined the permission on due consideration of the material placed before it and came to a conclusion that there was no proof that the concerned person having been ever paid for the shares floated by M/s. Silver Park.

4) Quite apparently, the decision in J. Sri Nisha does not lend any support to the petitioner to lay a challenge to the said Show Cause Notice dated 5th August 2025. In the said case, the Hon'ble Supreme Court referred to **Union of India v/s. VICO Laboratories**² wherein it was observed that the writ court should not interfere at the stage of issuance of show cause notice by the authorities provided the show cause notice is issued either without jurisdiction or in an abuse of the process of law.

5) We would further indicate that on a previous occasion, the Hon'ble Supreme Court in **Union of India and Another v/s. Kunisetty Satyanarayana**³ had observed that :-

¹ 2026 SCC OnLine SC 517

² (2007) 13 SCC 270

³ (2006) 12 SCC 28

“14. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of any one. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance.

15. Writ jurisdiction is discretionary jurisdiction and hence such discretion under Article 226 should not ordinarily be exercised by quashing a show-cause notice or charge sheet.

16. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal. However, ordinarily the High Court should not interfere in such a matter.

17. Learned counsel for the respondent submitted that the charge against the respondent had already been enquired into earlier and he had been exonerated of the charge in an earlier proceeding. Hence, he contended that the impugned charge memo would amount to double jeopardy and was therefore illegal. He relied upon the decision of this Court in *Lt. Governor Delhi and others vs. HC Narender Singh* 2004 (13) SCC 342. ”

6) In view of the aforesaid prepositions laid down in *Kunisetty* (supra) and *VICCO Laboratories* (supra), we decline to entertain this writ petition. It is dismissed.

[SHYAM C. CHANDAK, J.]

[CHIEF JUSTICE]