

HC: Writ Petition Not Maintainable Despite Denial of Cross-Examination

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REFER THE DECISION OF THE HON'BLE BOMBAY HIGH COURT IN THE CASE OF

Samuvel Chandran vs. Commissioner of Customs; Citation: (2025) 31 Centax 23 (Bom.)

Facts of the Case:

The petitioner, Samuvel Chandran, challenged a customs adjudication order via a writ petition before the Bombay High Court.

It was contended that although the petitioner had been served notice and provided an opportunity to submit a reply, he was denied the right to cross-examine the witnesses cited in the show cause notice.

On this ground, the petitioner sought to bypass the appellate remedy and directly invoked the Court's writ jurisdiction under Article 226 of the Constitution.

Hon'ble High Court Judgement:

The Bombay High Court held that a writ petition cannot be entertained against an adjudication order when an effective alternative remedy of appeal is available, even if cross-examination was denied.

The Court observed that any procedural defect or denial of rights, including the right to cross-examination, can be appropriately addressed by the appellate authority.

Since the petitioner was served notice, allowed to reply, and a quasi-judicial adjudication took place, the Court found no exceptional circumstances justifying writ intervention.

Accordingly, the writ petition was dismissed, with liberty to the petitioner to avail the appellate remedy under the Customs Act.