



2026:DHC:1742-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 19th January, 2026

+ W.P.(C) 723/2026 & CM APPL. 3468/2026, CM APPL. 3469/2026, CM APPL. 3470/2026

THE FERRY INTERNATIONAL
THROUGH PROPRIETOR, ROHIT GOYAL
OFFICE AT :27/147, NIHAL NIKETAN, ASHOK NAGAR,
AGRA-282002 (INDIA)

.....PETITIONER

Through: Mr. Ajay Veer Singh, Advocate

Versus

1. UNION OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS
NORTH BLOCK, NEW DELHI-110001.

.....RESPONDENT NO.1

2. DIRECTORATE GENERAL,
DIRECTORATE GENERAL OF FOREIGN TRADE,
MINISTRY OF COMMERCE AND INDUSTRY,
UDHYOG BHAVAN,
NEW DELHI-110001.

.....RESPONDENT NO. 2

3. EXCISE CUSTOM DEPARTMENT
THROUGH CBIC
L & N BLOCK, VIKAS BHAWAN,
I.P. ESTATE, NEW DELHI - 110002



....RESPONDENT NO. 3

4. JOINT SECRETARY,
DRAWBACK DIVISION
THROUGH CBIC
JEEVAN DEEP BUILDING.
PARLIAMENT STREET,
NEW DELHI-110001.

....RESPONDENT NO. 4

5.DEVELOPMENT COMMISSIONER (HANDICRAFTS)
MINISTRY OF TEXTILE, PLOT NO.8,
NELSON MANDELA MARG
VASANT KUNJ, NEW DELHI-110070.

....RESPONDENT NO.5

6. COMMISSIONER OF CUSTOMS,
MUMBAI ZONE-II
JAWAHARLAL NEHRU CUSTOM HOUSE,
NHAVA SHEVA, RAIGAD, NAVI MUMBAI-400707.

....RESPONDENT NO.6

7. ASSISTANT COMMISSIONER OF CUSTOMS,
PCA (CIRCLE-A1), NS -IV
OFFICE OF THE COMMISSIONER OF CUSTOMS,
AUDIT COMMISSIONERATE,
JAWAHAR LAI NEHRU CUSTOM HOUSE,
NHAVA SHEVA, TAL-URAN,
DIST.-RAIGARH
MAHARASHTRA-400707.

....RESPONDENT NO.7

8. DIRECTORATE REVENUE INTELLIGENCE,
1, DIRECTORATE OF REVENUE INTELLIGENCE
(HEAD QUARTER)
DRUM SHAPED BUILDING, I.P.BHAWAN,



I.P.ESTATE, NEW DELHI-110002.

....RESPONDENT NO.8

9. SENIOR INTELLIGENCE OFFICER,
D.R.I. ZONAL UNIT, AHMEDABAD

....RESPONDENT NO.9

Through: Mr. Balendu Shekhar, CGSC
with Mr. Rajkumar Maurya and
Mr. Krishna Chaitanya,
Advocates for R-1 and R-2.
Mr. Aditya Singla, SSC, CBIC
with Ms. Arya Suresh Nair, Ms.
Shreya Lamba and Mr.
Dhananjay Goutham,
Advocates.

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. Heard.
2. The prayer in the petition reads thus:-
 - a) *Allow the Writ Petition of the Petitioner based on the judgement of DESIGNCO vs. UNION OF INDIA & ORS. [2024:DHC: 9009-DB].*
 - b) *Issue a Writ of Certiorari to the Customs Department to quash the notice dated 31st October 2019, raising a demand to the tune of Rs.65,54,175/-*
 - c) *Issue a Writ of certiorari and quash summon dated*



10.12.2025.

d) Issue a Writ of Mandamus to the Respondents No. 1 to 5 and 8, to issue the necessary directions for Customs Department to classify the Handicraft Articles made of Stone and Marble under HSN, Code No. 68159990 and declare the Petitioner as HSN, Code No. 68159990 and declare the Petitioner as beneficiary of MEIS Scheme.

e) Issue a Writ of Mandamus to Respondents No. 1 to 5 and 8 to consider the facts of the present Writ Petition, give hearing to the Petitioner, on various representation made by it.

3. The petitioner, who is in the export of handicraft articles for more than one decade, including during the operation of MEIS from year 2015 to end of year 2022, has been slapped with a direction to refund the benefit taken under the MEIS. As such, this petition.

4. The petitioner is seeking clarification with regard to the classification under which the petitioner's goods were identified, *i.e.*, Entry No. 68159990, and is further seeking quashing of the summons issued by the Directorate of Revenue Intelligence (DRI), alleging that it is without any authority of law.

5. The petitioner claims to be primarily dealing in handicraft articles, *viz.*, *Chakla Belna*, Mortar and Pestle, Pinch Pot, Kitchen Paper Roll Holders, Cake Stands, Coaster Sets, Fruit Trays, Chopping/Cutting/Cheese Boards, and Service Trays.

6. According to learned counsel for the petitioner, the aforesaid



items are made of marble stone in combination with steel, wood, and glass. It is submitted that these articles were appropriately classified as “handicrafts” by Government organization of repute and were entitled to the benefit under the MEIS. According to him, the shipping bills at the out ports were duly assessed by the Port Officers and the benefit under the said MEIS was availed by the petitioner after due examination and assessment. The licence for availing the benefit under the MEIS was issued to the petitioner by respondent no. 2, *i.e.*, the Director General of Foreign Trade, Ministry of Commerce and Industry.

7. Sometime in October 2018, respondent no. 7, *i.e.*, the Assistant Commissioner of Customs, raised objections in respect of the shipping bills filed under HSN Code 68159990 on the ground that the articles sought to be exported by the petitioner come under HSN Code 68022190. As such, the petitioner was asked to amend the classification code to 68022190.

8. In October 2019, respondent no. 6 informed the petitioner that it had exported consignments under various shipping bills by classifying the goods under CTH 68159990 and had claimed benefits under the MEIS at the rate of 5% and 7%, in terms of the Notification dated 08th April, 2015. The petitioner was further informed that the said classification was incorrect and that if the merchandise were classified under the correct entry, the applicable MEIS benefit would be 0% of the FOB value. In such an eventuality, the differential MEIS amount



was computed and tabulated.

9. The petitioner, for the aforesaid cause, was issued various summons by the DRI on 15th November, 2021, 13th January, 2022, 7th June 2022 and one, which is impugned in the present petition which is dated 10th December 2025.

10. The petitioner preferred a writ petition, being W.P.(C) No. 10369 of 2022, questioning the aforesaid summons issued under Section 108 of the Customs Act, alleging that the respondents had no authority to issue the same.

11. The said writ petition came to be disposed of *vide* Order dated 4th December 2025 with following observations:-

“11. Accordingly, subject to the Petitioner co-operating and appearing before the Department for making statement during business hours, no coercive steps of arrest shall be taken against the proprietor of the Petitioner, i.e., Mr. Rohit Goyal, However, if there is no cooperation, the Department would be entitled to take coercive measures in accordance with law.

12. After recording the statements and concluding the investigation, a Show Cause Notice shall be issued, if required, to the Petitioner in respect of the demands that are sought to be raised.

13. Upon such notice being issued, the Petitioner shall file a reply and a personal hearing shall also be afforded to the Petitioner. The Show Cause Notice shall then be decided in accordance with law.”

12. It is after the aforesaid petition was disposed of, the petitioner



has again approached this Court, thereby pressing into the aforesaid prayer.

13. At the outset, learned counsel appearing for the respondents has raised a preliminary objection on the following point of law:-

- a. That the petition suffers from constructive *res judicata* as there is no further subsequent development in the matter after the earlier petition being W.P.(C) No.10369/2022 questioning the very same summons was disposed of on 4th December, 2025; and
- b. This Court lacks territorial jurisdiction as no cause of action has accrued within the jurisdiction of this Court.

14. So as to substantiate the aforesaid contentions, learned counsel for the respondents have invited our attention to the prayer clause in the earlier writ petition preferred by the petitioner being W.P.(C) No.10369/2022, which reads thus:-

“a. Issue a Writ of Mandamus to the Respondent No. 1 to 5 and 3, to issue the necessary directions for Customs Department to classify the Handicraft Articles made of Stone and Marble under HSN, Code No. 63159990 and declare the Petitioner as beneficiary of MEIS Scheme.

b. Issue a Writ of Mandamus to Respondent No. 1 to 5 and 3 to consider the facts of the present Writ Petition, give hearing to the Petitioner, on various representation made by it.

c. Issue a Writ of Mandamus to the Commissioner of Customs to release the held shipments of the Petitioner and to cancel the notices issued to recover the MEIS claim due to filing of Shipping bills under HSN Code no. 68159990 of



the Petitioner.

d. Issue a Writ of Mandamus to the Department of Customs, to cancel the undue demand raised by the Department.

e. Issue a Writ of certiorari to the Customs Department to quash the notice dated October 2019, raising a demand to the tune of Rs. 65,54,175/-.

f. Issue a Writ of certiorari, to quash the summons dated 15.11.2021, 13.1.2022, 7.6.2022, issued by the DRI as without the authority of law and jurisdiction.”

15. According to learned counsel for the respondents, the petitioner was expected to conduct himself in accordance with the directions issued by this Court while disposing of the aforesaid writ petition on 4th December, 2025, whereby the petitioner was directed to cooperate and appear before the Department for making his statement in response to the summons issued under Section 108 of the Customs Act. This Court further granted interim of no coercive steps of arrest against the petitioner.

16. This Court, according to the respondents, had made the said order conditional to the effect that in case of failure on the part of the petitioner to cooperate, it was open for the respondents to take coercive measures in accordance with law.

17. According to them, the petitioner never appeared subsequent to the aforesaid order passed by this Court and has failed to cooperate in the investigation or report compliance of statutory obligation under Section 108 of the Customs Act.



18. The next contention of learned counsel for the respondents is that the petitioner has his place of business at Agra, Uttar Pradesh, which falls within the territorial jurisdiction of the High Court of Allahabad. It is further claimed that respondent nos. 1 to 5 have their offices at Delhi, whereas respondent nos. 6 and 7, who have initiated the proceedings against the petitioner, are located within the jurisdiction of the High Court of Bombay. Learned counsel for the respondents would urge that, having regard to the prayers made in the petition, it is *ex facie* clear that no part of the cause of action has accrued within the jurisdiction of this Court and that being so, this Court lacks territorial jurisdiction.

19. So as to substantiate the aforesaid contentions, support is drawn from the provisions of Article 226(2) of the Constitution of India, so also, from Section 20(c) of the Code of Civil Procedure.

20. In addition to above, learned counsel for the respondents have relied upon the judgments of Apex Court in the matter of ***Kusum Ingots & Alloys Ltd. v. Union of India And Another*** reported in (2004) 6 SCC 254 and ***Union of India & Ors Vs. Adani Exports Ltd. & Anr*** reported in (2002) 1 SCC 567. As such, dismissal of petition is sought.

21. As against above, learned counsel for the petitioner would urge that this Court has territorial jurisdiction for the reason that respondent nos.1 and 2 exercises supervisory control over respondent nos.6 and 7. According to him, the earlier writ petition preferred by the petitioner W.P. (C) No.10369/2022 was entertained by this Court for the aforesaid



cause and as such, this Court has territorial jurisdiction to entertain the present petition.

22. So as to substantiate his contentions, learned counsel for the petitioner has drawn support from the following judgments:-

- i. *Vishnu Security Services Vs. Regional Provident Fund Commissioner [2012 SCC OnLine Del 1024]*
- ii. *Sandeep A. Mehta Vs. Income Tax Officer & Anr. [2013 SC OnLine Guj 0954]*
- iii. *Nawal Kishore Sharma Vs. Union of India & Ors. [(2014) 9 SCC 329]*
- iv. *V.K. Malhotra Vs. Union Bank of India & Ors [2021 SCC OnLine Del 2815]*
- v. *Godrej Sara Lee Ltd. Vs. Excise & Taxation Officer-cum-Assessing Authority & Ors. [2023 SCC OnLine SC 95]*
- vi. *Shrigovind Niranjana & Ors. State of Madhya Pradesh & Ors. [2024 SCC OnLine MP 7401]*

23. We have considered the aforesaid submissions.

24. At the outset, we are required to consider as to whether having regard to the prayer made in the present petition as well as those made in the earlier writ petition preferred by the petitioner, being W.P. (C) No. 10369/2022, the present writ petition is maintainable.

25. A comparative chart of the prayer made in the earlier writ petition preferred by the petitioner being W.P. (C) No.10369/2022 with that of present writ petition is reproduced as under:-



Prayer in earlier Writ Petition being W.P.(C) No.10369/2022	Prayer in the present Writ Petition
<p><i>a) Allow the Writ Petition of the Petitioner based on the judgement of DESIGNCO vs. UNION OF INDIA & ORS. [2024:DHC: 9009-DB].</i></p> <p><i>b) Issue a Writ of Certiorari to the Customs Department to quash the notice dated 31st October 2019, raising a demand a tune of Rs. 65,54, 175/-</i></p> <p><i>c) Issue a Writ of certiorari and quash summon dated 10.12.2025.</i></p> <p><i>d) Issue a Writ of Mandamus to the Respondents No. 1 to 5 and 8, to issue the necessary directions for Customs Department to classify the Handicraft Articles made of Stone and Marble under HSN, Code No. 68159990 and declare the Petitioner as HSN, Code No. 68159990 and declare the Petitioner as beneficiary of MEIS Scheme.</i></p> <p><i>e) Issue a Writ of Mandamus to Respondents No. 1 to 5 and 8 to consider the facts of the present Writ Petition, give hearing to the Petitioner, on various</i></p>	<p><i>a. Issue a Writ of Mandamus to the Respondent No. 1 to 5 and 3, to issue the necessary directions for Customs Department to classify the Handicraft Articles made of Stone and Marble under HSN, Code No. 63159990 and declare the Petitioner as beneficiary of MEIS Scheme.</i></p> <p><i>b. Issue a Writ of Mandamus to Respondent No. 1 to 5 and 3 to consider the facts of the present Writ Petition, give hearing to the Petitioner, on various representation made by it.</i></p> <p><i>c. Issue a Writ of Mandamus to the Commissioner of Customs to release the held shipments of the Petitioner and to cancel the notices issued to recover the MEIS claim due to filing of Shipping bills under HSN Code no. 68159990 of the Petitioner.</i></p> <p><i>d. Issue a Writ of Mandamus to the Department of Customs, to cancel the undue demand raised by the Department.</i></p> <p><i>e. Issue a Writ of certiorari to</i></p>



<p><i>representation made by it.</i></p>	<p><i>the Customs Department to quash the notice date October 2019, raising a demand to the tune of Rs. 65,54, 175/-.</i></p> <p><i>f. Issue a Writ of certiorari, to quash the summons dated 15.11.2021, 13.1.2022, 7.6.2022, issued by the DRI as without the authority of law and jurisdiction.”</i></p>
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26. Perusal of the aforesaid would show that the petitioner has sought petition to be allowed based on the judgment of **DESIGNCO Vs. Union of India & Ors [2024:DHC:9009-DB]**. The fact remains that the said judgment which is referred to in prayer clause in the present petition was very much available to the petitioner when the earlier writ petition being W.P. (C) No.10369/2022 was decided on 4th December, 2025.

27. Apart from the above, the summons issued on earlier occasions on 15th November, 2021, 13th January, 2022 and 7th June, 2022, are similar to the summons dated 10th December, 2025, which is issued and questioned in the present petition. The said summon was issued under Section 108 of the Customs Act, thereby directing the petitioner to appear in compliance with the directions issued *vide* order dated 4th December, 2025, passed in W.P. (C) No. 10369/2022.

28. The petitioner instead of complying with statutory mandate and



the judicial obligation issued *vide* order dated 4th December, 2025, has chosen to file this petition without complying with the directions issued therein.

29. This conduct of the petitioner demonstrates that he has no respect and regard for the order dated 4th December, 2025 of this Court, that too which was issued at his behest in earlier round of litigation.

30. In these eventualities, it can be observed that for the reasons recorded in the order dated 4th December, 2025, this Court once having not granted the relief prayed similar to the one claimed in this petition, there is no subsequent development or any justifiable cause, which warrants this Court to give re-look to the matter and grant relief as prayed in the present petition.

31. We are equally required to be conscious of the provisions *viz.* Article 226(2) of the Constitution of India, which reads thus:

“226. (2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”

32. Similarly, Section 20(c) of the CPC deals with the place where the cause of action arises, which is reproduced as under:-

“20. Other suits to be instituted where defendants reside or cause of action arises.—Subject to the limitations aforesaid, every suit shall be instituted in a court within the local limits of whose jurisdiction—



(a)-(b)***
(c) *the cause of action, wholly or in part, arises.*”

33. In light of the above, if we consider the claim put forth by the petitioner in the present petition, the fact remains that the summons were issued by respondent no. 9, whose office is situated at Ahmedabad. The petitioner received the said summons at Agra, Uttar Pradesh. There is no remote connection with the cause of action having accrued within the territorial jurisdiction of this Court. Merely because the offices of respondent nos. 1 to 5 are situated within the jurisdiction of this Court, by itself, will not give any leverage to the petitioner to invoke jurisdiction of this Court.

34. Apart from above, we have considered the contentions of learned counsel for the petitioner about maintainability of the petition before this Court in light of pleadings. The cumulative effect of the jurisdictional facts narrated by the petitioner, in any case does not establish that this Court has territorial jurisdiction over the issue which is sought to be canvassed.

35. In the matter of *Union of India & Ors Vs. Adani Exports Ltd. & Anr* reported in (2002) 1 SCC 567 the Apex Court while dealing with similar issue in paragraph 17 and 18 has observed thus:-

“17. It is seen from the above that in order to confer jurisdiction on a High Court to entertain a writ petition or a special civil application as in this case, the High Court must be satisfied from the entire facts pleaded in support of the cause of action that those facts do constitute a cause so as to empower the court to decide a dispute which has,



at least in part, arisen within its jurisdiction. It is clear from the above judgment that each and every fact pleaded by the respondents in their application does not ipso facto lead to the conclusion that those facts give rise to a cause of action within the court's territorial jurisdiction unless those facts pleaded are such which have a nexus or relevance with the lis that is involved in the case. Facts which have no bearing with the lis or the dispute involved in the case, do not give rise to a cause of action so as to confer territorial jurisdiction on the court concerned. If we apply this principle then we see that none of the facts pleaded in para 16 of the petition, in our opinion, falls into the category of bundle of facts which would constitute a cause of action giving rise to a dispute which could confer territorial jurisdiction on the courts at Ahmedabad.

18. As we have noticed earlier, the fact that the respondents are carrying on the business of export and import or that they are receiving the export and import orders at Ahmedabad or that their documents and payments for exports and imports are sent/made at Ahmedabad, has no connection whatsoever with the dispute that is involved in the applications. Similarly, the fact that the credit of duty claimed in respect of exports that were made from Chennai were handled by the respondents from Ahmedabad have also no connection whatsoever with the actions of the appellants impugned in the application. The non-granting and denial of credit in the passbook having an ultimate effect, if any, on the business of the respondents at Ahmedabad would not also, in our opinion, give rise to any such cause of action to a court at Ahmedabad to adjudicate on the actions complained against the appellants.”

36. The Apex Court in the matter of ***Kusum Ingots & Alloys Ltd.*** (*supra*) has made following observations:



“9. Although in view of Section 141 of the Code of Civil Procedure the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(c) of the Code of Civil Procedure and clause (2) of Article 226, being in pari materia, the decisions of this Court rendered on interpretation of Section 20(c) CPC shall apply to the writ proceedings also. Before proceeding to discuss the matter further it may be pointed out that the entire bundle of facts pleaded need not constitute a cause of action as what is necessary to be proved before the petitioner can obtain a decree is the material facts. The expression material facts is also known as integral facts.

10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter.”

37. The Apex Court in the matter of ***Nawal Kishore Sharma Vs. Union of India*** reported in (2014) 9 SCC 329 had an occasion to deal with Sub-Article (2) of Article 226 of the Constitution of India so also Section 20(c) of the Code of Civil Procedure. Paragraph 16 of the said judgments reads thus: -

“16. Regard being had to the discussion made hereinabove, there cannot be any doubt that the question whether or not cause of action wholly or in part for filing a writ petition has arisen within the territorial limit of any High Court has to be decided in the light of the nature and character of the proceedings under Article 226 of the Constitution. In order to maintain a writ petition, the petitioner has to establish that a legal right claimed by him has been infringed by the respondents within the territorial limit of the Court's jurisdiction.”



38. In our opinion, the issue of territorial jurisdiction is squarely covered by the all three judgments of Apex Court cited herein-above, which are against the petitioner.

39. After perusal of the aforesaid observations, it is aptly clear that the issue of jurisdiction needs to be analyzed based on the jurisdictional facts pleaded in the petition. The fact remains that for deciding the question of territorial jurisdiction, the Court must look into the facts as they are pleaded. If the same are looked into in the case in hand, but for the presence of respondent nos.1 to 5 within the jurisdiction of this Court, there is no relief claimed against respondent nos.1 to 5 by the petitioner, so as to cause indulgence.

40. In wake of above, the fact remains that the relief claimed by the petitioner in the present petition pertains to the summons which were issued by respondent no. 9 and the demand which was issued by the respondent nos. 6 and 7.

41. The petitioner though has claimed relief of classification of his goods in a particular HSN Code, the said issue can be looked into only if the petitioner submits his response to the summons issued to him under the Customs Act before the appropriate authority. Merely filing of response in relation to claim for clarification, by itself will not confer territorial jurisdiction on this Court to entertain the petition.

42. There is one more facet to the matter. On one hand, the petitioner claims that this Court has territorial jurisdiction over the issue and as such has taken recourse to filing of W.P. (C) No.10369/2022, which



came to be decided on 4th December, 2025. In the said petition, the petitioner enjoyed interim relief for considerable period and instead of complying with the liberties observed in his favour, has chosen to file the second petition. Such conduct of the petitioner can lead to only inference that somehow he wants to delay the proceedings initiated by the respondent.

43. For the reasons stated above, in our opinion, no case of causing interference is made out.

44. The petition lacks merits and is, accordingly, dismissed.

45. Needless to clarify that interim relief granted to the petitioner *vide* order dated 4th December, 2025 in W.P. (C) No.10369/2022 has automatically ceased to operate in view of failure of the petitioner to comply with the obligations under the said order.

46. Pending applications are also disposed of.

47. Copy of the Judgment be uploaded on the website of this Court.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**AJAY DIGPAUL
(JUDGE)**

JANUARY 19, 2026/ay/sk