



2026:DHC:2164-DB



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

Date of decision: 13th March, 2026

+ W.P.(C) 3207/2026

SANDEEP SHARMA

S/O VIRENDER SHARMA

HAVING ITS OFFICE AT:

A-293, 2nd FLOOR, VISHWAKARMA COLONY,

SOUTH EAST DELHI MEHRAULI,

BADARPUR ROAD,

NEW DELHI -110044

.....PETITIONER

Through: Mr. Naveen Malhotra & Mr.
Ritvik Malhotra, Advs.

Versus

1. **COMMISSIONER OF CUSTOMS ICD**

PATPARGANJ PPG DELHI-110096

.....RESPONDENT NO. 1

2. **ASSISTANT DIRECTOR DRI**

AHMEDABAD ZONAL UNIT

15 MAGNET CORPORATE PARK OFFICE

SG HIGHWAY NEAR SOLA OVER BRIDGE THALTEJ

AHMEDABAD 380054

.....RESPONDENT NO. 2

Through: Mr. Gibran Naushad, SSC with
Mr.Suraj Shekhar Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AJAY DIGPAUL



JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. The petitioner, a partner of M/s Fruit Bounty INC, having office within the territorial jurisdiction of this Court, has invoked the extraordinary jurisdiction of this Court for issuance of directions for quashing the Show Cause Notice dated 25th April, 2025 issued under Section 124 of the Customs Act, 1962.

2. It is the case of the petitioner that he is not challenging the Show Cause Notice on merits, however, a reply has been submitted by him alleging the Show Cause Notice being time barred.

3. As per the facts narrated by the petitioner, an investigation was set in motion by the respondents and from the office premises of the petitioner's firm, certain document were seized. Having noticed that the investigation demonstrate evasion of the duty, a notice under Section 112 and 114AA for penalty came to be issued to the petitioner. It is his case that no Show Cause Notice for extension of time beyond the period of six months prescribed under Section 110(2) of the Customs Act, 1962 has been issued.

4. Drawing support from the judgments of Apex Court in the matter of *Assistant Collector of Customs Vs. Charandas Malhotra [1971 1 SCC 697]* and *I.J. Rao Vs. Assistant Collector of Customs and Ors Vs. Vibhuti Bhussan Bagh & Anr [1989 AIR 1884 SC]*, it is urged that not only the notice beyond the statutory mandate provided under Sub-Section (2) of Section 110 of the Customs Act, 1962, but also no Show



Cause Notice was issued in the matter of extension of period, as decided by the aforesaid judgments.

5. In addition to above, reliance is also placed on the judgment passed by the Hon'ble High Court of Punjab and Haryana in the matter of *Shri Ram Agro Chemicals Pvt. Ltd. Vs. Union of India & Ors [2019 SCC OnLine P&H 4918]*, particularly, paragraphs no.12, 18, 23, 24 and 26. As such it is urged that the Show Cause Notice is liable to be quashed and set aside.

6. As against above, it is the contention of learned counsel for the respondent, who has appeared on advance notice, that the petitioner failed to appear in response to the summons and the reply submitted by the petitioner can be taken into account in light of the aforesaid judgments and the respondents-authority may pass an appropriate order in the matter.

7. According to him, it is not only the petitioner who is proceeded against, but there are other parties also as could be inferred from the Show Cause Notice and that being so, it is claimed that any order at this stage shall hamper further proceedings *qua* the other accused persons.

8. Having considered the aforesaid submissions, it is apparent that the Show Cause Notice speaks of the proceedings being initiated against seven accused persons including the present petitioner. The Show Cause Notice depicts that the petitioner has chosen not to extend cooperation with the respondents in the matter of investigation/inquiry being conducted in accordance with law.



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9. As regards whether the Show Cause Notice is time barred or the petitioner not served with the Show Cause Notice in the matter of extension of period provided under Sub-Section (2) of Section 110 of the Customs Act, 1962 is concerned, the same can be looked by the respondents-Authority as the petitioner has already submitted his explanation to the Show Cause Notice to that extent.

10. Once the petitioner has submitted his explanation on the issue of limitation based on the judgments referred above, it can be expected of the respondents to deal with the contentions of the petitioner including that of the claim of the respondent that the issue is covered by the latest judgment of the Apex Court in the matter of *Union of India & Ors. Vs. Jatin Ahuja* delivered on 11th September, 2025 in Civil Appeal No.3489 of 2024.

11. In that view of the matter, without going into the issue which is sought to be canvased by the petitioner through the present petition in the form of a question of law, we keep the said issue open, to be considered by the respondents-Authority having regard to the position of law which the petitioner intends to rely upon, particularly, when it is not that the petitioner is only proceeded against, but there are other parties to the proceedings also as could be seen from the Show Cause Notice. That being so, we refrain ourselves from causing any extraordinary jurisdiction.

12. As such, we dispose of the present petition with an observation that the reply tendered by the petitioner to the Show Cause Notice be considered in the light of the decisions referred above.



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13. Pending application, if any, also stand disposed of.
14. A copy of this Judgment be uploaded on the website of this Court.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**AJAY DIGPAUL
(JUDGE)**

MARCH 13, 2026/ay/ok