IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 7721 OF 2025

M/s. Chia Technologies Pvt. Ltd.
Vs.
The Union of India, thr. Secretary of Finance (Department of Revenue), New Delhi & Ors.

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Mr. D.V. Chauhan, Senior Advocate a/b. Mr. A.S. Dhore and Mr. G.S. Gour, Advocates for the Petitioner.
Mrs. Ketki Jaltare Vaidya, Advocate for the Respondents.

CORAM : ANIL L. PANSARE AND RAJ D. WAKODE, JJ.
DATE : 19th DECEMBER, 2025.

. On 5th December, 2025, following order was passed:

> *"Heard.*
>
> *2. Argument is that without seizure of goods, respondents have detained the consignment, which otherwise is impermissible. In support, he has relied upon judgment of this Court in* ***Exim Incorporation Vs. Union of India and Ors.; [2020 SCC OnLine Bom 3593]****.*
>
> *3. Issue notice to the respondents, returnable on 19.12.2025.*
>
> *4. Mr. S. N. Bhattad, learned counsel waives service of notice for all the respondents."*

2. Mr. D. V. Chauhan, learned Senior Counsel, submits that on previous date he apprehended coercive steps at the hands of the respondents; however, since the issue was covered by the judgment, the interim relief was not pressed hard. He submits that, in the meantime, the officers of the Customs Department visited the warehouse of the petitioner, which is situated at Mumbai. They allegedly confiscated the articles,

which were locally made. Accordingly, an application is now filed seeking directions against the respondents for restraining them from taking any adverse/coercive action against the petitioner, including action of arrest.

3. Mrs. Jaltare, learned counsel appearing for the respondents, submits that the application was handed over to her today in the Court. Upon such statement, Mr. D. V. Chauhan, learned Senior Counsel, submits that the said application was served on 12th December, 2025 upon Mr. S. N. Bhattad, learned counsel, who appeared for the respondents on 5th December, 2025. Mrs. Jaltare, learned counsel, on instructions, submits that the officer of the respondents received the petition on 16th December, 2025; however, the copy of the application was not received along with petition.

4. Thus, the petitioner claims that the petition and application were handed over to Mr. S. N. Bhattad, who appeared for the respondents. As against, the officer of the respondents claims that only copy of petition was received by him on 16th December, 2025, and that copy of the application was not received at all. When enquired as to from whom the copy of petition was received by the officer, she submits that the same was received from one Mr. Rajesh, the clerk attached to the office of Mr. S. N. Bhattad.

5. Mr. S. N. Bhattad, learned counsel, is present in Court. He submits that copy of petition and application were served upon respondents' officer on 5th December, 2025. He

states that, on 8th December, 2025 at about 12:00 noon, he called Mr. Parvesh Verma, Inspector/Appraiser, attached to the respondents’ office, who deals with customs matters. He informed Mr. Parvesh Verma about filing of the present petition and application and instructed him to collect the papers through his Clerk. Thereafter, on 15th December, 2025, he again called Mr. Parvesh Verma, reiterating to collect the petition and application, to which he assured that the papers will be collected. Accordingly, on 16th December, 2025, the papers were collected. Mr. Bhattad further submits that he received an email yesterday from the Customs Department, which reads as under:

> *“It is observed from records that Writ Petition No. WP/7721/2025 was filed on 04.12.2025 by you. A perusal of the writ petition indicates that the matter was taken up on 05.12.2025, during which service of notice to all respondents was waived and the matter was argued before the Hon'ble Court on the same day. However, no instructions whatsoever were sought from this office prior to the said hearing and this office was not aware about any such filing of writ petition against this department.*
>
> *Further, it is noted that only on 15.12.2025 you have informed the concerned officer i.e. Shri Parvesh Verma telephonically that a writ petition is filed in the high court and the same needs to be collected from one person named Mr. Rajesh (Mobile No. 7744067119) whose contact is shared by you on 15.12.2025, 3.15PM, without furnishing any clear or formal communication regarding the filing of the writ petition on 04.12.2025 or the hearing and arguments conducted on 05.12.2025.*
>
> *The copy of the writ petition was ultimately received by this office only in the evening of 16.12.2025, despite the fact that the matter had already been argued on 05.12.2025 and the department was required to submit its reply by 19.12.2025. It is further observed that*

> *the name of the petitioner company is "M/s Chia Technologies Pvt. Ltd."; however, the same was incorrectly conveyed by you telephonically as "CR Technologies," reflecting a serious lapse in communication.*
>
> *In this regard, you are hereby informed that now this office has appointed Mrs. Ketki Jaltare Vaidya as standing counsel to represent the case and accordingly a Vakalatnama in her name is issued. Henceforth Mrs. Ketki Jaltare Vaidya will be representing the department as standing counsel in this and the same may kindly be noted.*
>
> *This email is being issued with the approval of the Commissioner of Customs and the formal letter will follow."*

6. The tone and tenor of the said email is that Mr. Bhattad ought not to have waived service on behalf of all the respondents. When enquired, Mr. M. Guruswami, Joint Commissioner, who is present in the Court, submits that Mr. S. N. Bhattad is a senior standing counsel of respondents. When further enquired as to whether the standing counsel of the respondents can waive service of notice on behalf of the Department, he answered in the affirmative. Thus, the standing counsel has committed no mistake in waiving service, rather he is duty bound to do so. It's a different matter that subsequent thereto the respondents may handover brief to other counsel to represent it. The Commissioner of Customs shall, therefore, justify sending above email to Mr. S. N. Bhattad. He shall, further, justify the casual approach adopted by Mr. Parvesh Verma in not responding to Mr. Bhattad's calls.

7. We may note here that email indicates that Mr. Bhattad had shared his clerk’s mobile number on 15th December, 2025, and therefore, case papers could not be collected prior thereto. This plea is unacceptable. Mr. Parvesh Verma was aware of Mr. Bhattad’s mobile number because he had spoken to Mr. S. N. Bhattad on 8th December, 2025. In other words, Mr. Parvesh Verma could have contacted Mr. S. N. Bhattad directly for collecting the case papers, which he failed to do. Ultimately, Mr. Bhattad was constrained to remind Mr. Verma about the pendency of the present petition and was further required to share the contact details of his clerk, which were shared on 15th December, 2025. Despite such fact, Mr. Parvesh Verma contacted Mr. Bhattad’s clerk on 16th December, 2025 and collected the case papers in the evening. This has been done when Mr. Bhattad, in the morning of the same day, reminded Mr. Parvesh Verma once again. The conduct of the officer of the respondents is, therefore, questionable. The Commissioner shall, accordingly, file an affidavit in this regard.

8. We may further note that, in tax matters where Central Agencies dealing with indirect taxes are party respondents, the standing counsels are hesitant to waive service of notice. In many cases, we are required to direct them to take instructions from the concerned agencies, which unnecessarily delays the proceedings. We, therefore, call upon the Principal Chief Commissioner of GST and Customs to issue appropriate instructions to the standing counsels as regards waiving services of notice. Necessary compliance shall be made within a

period of four weeks from today, failing which the Court will be constrained to pass *ex-parte* orders against the concerned agency.

9. Mr. M. Guruswami shall communicate this order to the Principal Chief Commissioner of GST and Customs.

10. So far as the interim relief in the present case is concerned, Mrs. Jaltare, learned counsel, submits that the respondents have seized the goods in accordance with law. Thus, there is a statement against the statement. The petitioner claims that without seizure of goods, respondents have detained the consignment. As against, the respondents claim that the goods were seized. We will, accordingly, hear the parties on the next date.

11. In the meantime, taking note of the conduct of the officers of the respondents, which, as such may not affect the merits of the case but which indicates tendency of arrogance and overreaching powers in handling such matters, we direct the respondents to not proceed further in the matter till next date.

12. List on 06.01.2026.

(RAJ D. WAKODE, J.) **(ANIL L. PANSARE, J.)**

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