



2026:DHC:9017-DB



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

% **Date of decision: 09.10.2026**

CNR No. DLHC010510752025

+ **W.P.(C) 11150/2025, CM APPL. 45784/2025, CM APPL. 63648/2025 & CM APPL. 26507/2026**

M/S PRADEEP INDUSTRIES & ORS.Petitioners

Through: **Mr. Govind Krishna Dixit, Ms. Anasua Chakravarti & Ms. Sanjeevani Dixit, Advs.**

versus

UNION OF INDIA & ORS.Respondents

Through: **Mr. Anurag Ojha, SSC with Mr. Dipak Raj, Mr. Aditya Chaudhary, Ms. Garima Kumar, Mr. Deep Raj, Advs. for R-2 to 4 & 6. Dr. Subhash C Gupta, Sr. Adv. for R-8. Mr. Pragyan Pradip Sharma, Sr. Adv. with Mr. Rajesh Sharma, Mr. Nikhil Sharma, Mr. Piyush Tiwari, Ms. Ananya Mahajan, Advs. for R-9 Ms. Suruchi Mittal, SPC for UOI. Mr. Nitinija Chaudhry, CGSC with Mr. Rahul Mourya, Advs.**

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

HON'BLE MS. JUSTICE SHAIL JAIN

AVNEESH JHINGAN, J. (ORAL)

1. The petition was filed seeking setting aside of the seizure



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memos dated 23.05.2025, 04.06.2025 and 03.07.2025 whereby the goods imported by the petitioners were seized at ICD, Dadri, Uttar Pradesh (UP) under the jurisdiction of the Commissioner of Customs, Noida. Further direction is sought for release/provisional release of the seized goods and for directing the Union of India (UOI) and the Central Board of Indirect Taxes and Customs (for short 'CBIC') to issue directions to the seizing authority not to rely upon a certificate issued by the Chartered Engineer (for short 'CE') for determining the classification of the goods.

2. The brief facts are that the petitioners imported designer and decorative stainless-steel coils from China. The imported goods were seized at ICD, Dadri, UP on the ground that the goods are not classified under Customs Tariff Heading (for short 'CTH') 73269060 as claimed by the petitioners and that BIS certification under IS 6911 was required in terms of the Steel Control Order issued by the Union Steel Ministry. Hence, the present petition.

3. Learned counsel for the respondents raises a preliminary objection of territorial jurisdiction and relies upon the decision of this Court in *M/s Meever India Private Limited v. Union of India & ors.*, 2026:DHC:1574-DB.

4. Learned counsel for the petitioner contends that the all-India headquarters of the Customs Commissionerate is located in Delhi. The detention is contrary to the CBIC policy regarding the empanelment of CE and the certificate of CE was wrongly relied upon for determining the classification of the goods. Further that similar goods were cleared by other ICDs.



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4.1 The submission is that the CBIC exercises all-India jurisdiction and that ICD, Dadri is a regional unit of Directorate of Revenue Intelligence (for short 'DRI') whose headquarters is located in Delhi. Reliance is placed upon the decision of the Full Bench of this Court in ***Sterling Agro Industries Ltd. v. Union of India***, (2011) 10 GSTR 20 to contend that the writ petition would be maintainable before a Court where even a minuscule part of the cause of action has arisen.

4.2 The decision of the Supreme Court in ***Bakshish Ahmad v. Union of India & Ors.***, MANU/SC/0622/2026 is relied upon to contend that this Court has jurisdiction in respect of the detention of goods at ICD, Dadri.

5. The prayer in the writ petition is for setting aside the detention of goods at ICD, Dadri under the jurisdiction of the Commissioner of Customs, Noida. A further direction is sought for provisional release/release of the seized goods. The entire cause of action has arisen at ICD, Dadri which falls under the jurisdiction of the Commissioner of Customs, Noida. It would be apposite to note that pursuant to an interim order of this Court dated 30.07.2025, an order dated 12.08.2025 was passed by the Commissioner of Customs, Noida rejecting the request for provisional release.

6. The contentions of learned counsel for the petitioner that the detention is in contravention of the CBIC policy; the certificate of the Chartered Engineer could not have been relied upon for determining the classification of the goods in terms of the CBIC policy; and that similar goods were cleared by other ICDs are of no avail for invoking the jurisdiction of this Court for release of the goods and for



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challenging detention at ICD, Dadri. The contentions raised are in support of the claim of the petitioners that the imported goods were correctly declared under the heading CTH 73269060 and are not flat-rolled stainless-steel coils. These issues are to be considered by the Commissioner of Customs, Noida and not by the headquarters of the DRI at Delhi or by the CBIC. The issue as to whether the certificate issued by the CE can be relied upon for determining the classification of the goods and whether such reliance is in accordance with the CBIC policy is also to be considered by the Commissioner of Customs, Noida.

7. The Full Bench decision of this Court in *Sterling Agro Industries Ltd.* (supra) does not advance the case of the petitioner. The Larger Bench was dealing with a reference arising out of a jurisdictional claim of this Court relying upon the fact that the revisional authority was located in Delhi and that this Court had territorial jurisdiction to deal with the *lis* in question. The conclusions of the Full Bench are reproduced as below:

35. In view of the aforesaid analysis, we are inclined to modify the findings and conclusions of the Full Bench in *New India Assurance Co. Ltd. v. Union of India*, AIR 2010 Delhi 43; [2011] 166 C-C 87 (Delhi) and proceed to state our conclusions in seriatim as follows:

(a) The finding recorded by the Full Bench that the sole cause of action emerges at the place or location where the Tribunal/appellate authority/revisional authority is situate and the said High Court (i.e., Delhi High Court) cannot decline to entertain the writ petition as that would amount to failure of the duty of the court cannot be accepted inasmuch as such a finding is totally based on the situs of the



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Tribunal/appellate authority/revisional authority totally ignoring the concept of forum conveniens.

(b) Even if a minuscule part of cause of action arises within the jurisdiction of this court, a writ petition would be maintainable before this court, however, the cause of action has to be understood as per the ratio laid down in the case of *Alchemist Ltd. v. State Bank of Sikkim* (2007) 136 C-C 665; (2007) 11 SCC 335.

(c) An order of the appellate authority constitutes a part of cause of action to make the writ petition maintainable in the High Court within whose jurisdiction the appellate authority is situated. Yet, the same may not be the singular factor to compel the High Court to decide the matter on merits. The High Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens.

(d) The conclusion that where the appellate or revisional authority is located constitutes the place of forum conveniens as stated in absolute terms by the Full Bench is not correct as it will vary from case to case and depend upon the lis in question.

(e) The finding that the court may refuse to exercise jurisdiction under article 226 if only the jurisdiction is invoked in a mala fide manner is too restricted/constricted as the exercise of the power under article 226 being discretionary cannot be limited or restricted to the ground of mala fide alone.

(f) While entertaining a writ petition, the doctrine of forum conveniens and the nature of cause of action are required to be scrutinised by the High Court depending upon the factual matrix of each case in view of what has been stated in *Ambica Industries v. CCE*(2007) 213 ELT 323; [2009] 20 VST 1 (S.C.) and *Union of India v. Adani Exports Ltd.*(2002) 1 SCC 567.

(g) The conclusion of the earlier decision of the Full Bench in *New India Assurance Co. Ltd. v. Union of India*, AIR 2010 Delhi 43; (2011) 166 C-C 87 (Delhi) (page 115):“... that since the original order merges into the appellate order,



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the place where the appellate authority is located is also forum conveniens” is not correct.

(h) Any decision of this court contrary to the conclusions enumerated hereinabove stands overruled.

8. The case of the petitioner is not covered by the conclusions of the Larger Bench. The authority detaining the goods is outside the territorial jurisdiction of this Court. Not even a minuscule part of the cause of action has arisen within the territorial jurisdiction of this Court and the doctrine of forum conveniens is not applicable in the present case and this is a case of lack of territorial jurisdiction.

9. The decision of the Supreme Court in *Bakshish Ahmad* (supra) was a case where the writ petition was not dismissed on the ground of lack of territorial jurisdiction but the doctrine of forum non-conveniens was invoked. The decision is not applicable to the facts of the present case.

10. The decision of the Division Bench in *M/s Meever India Private Limited* (supra) squarely applies to the facts of the present case. In that case despite challenging the validity of the circular issued at Delhi, it was held that the issue regarding rejection of the NOC related to the business activities carried out by the petitioner at Chennai or Kolkata and no part of the cause of action had arisen within the territorial jurisdiction of this Court for entertaining the petition. In the case in hand, the proceedings are pending before the Commissioner of Customs, Noida, UP. The goods have been detained at ICD, Dadri and no part of the cause of action has arisen within the territorial jurisdiction of this Court.

11. The petition is dismissed for lack of territorial jurisdiction.



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12. Needless to say that the petitioner shall be at liberty to avail of remedies in accordance with law before the appropriate forum. All pending applications stand disposed of.

AVNEESH JHINGAN, J

SHAIL JAIN, J

OCTOBER 9, 2026

Ch

Reportable: Yes