

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.692 OF 2014

M/s. K. Sera Sera Ltd.	..Petitioner
Versus	
The Union of India & Ors.	..Respondents

WITH
[O.S.] WRIT PETITION NO.659 OF 2014

M/s. K. Sera Sera Ltd.	..Petitioner
Versus	
Commissioner of Customs (Export) and others.	..Respondents

....
Mr. V Sreedharan, Senior Counsel i/b. Ketan Joshi, for the Petitioner.
Ms. Suchitra Kamble, for Respondent Nos.1 to 3.
....

CORAM : S.C. DHARMADHIKARI &
N.W. SAMBRE, JJ.

DATE : FEBRUARY 13, 2015

P.C.

1. Heard both sides. Affidavit-in-reply on behalf of the respondents is taken on record.
2. These two Writ Petitions which are stated to be on board, on the own saying of the petitioner, are being rendered infructuous.

3. Insofar as Writ Petition No.692 of 2014 is concerned, the goods have been seized. The petitioners are permitted to have the goods released but on compliance with certain conditions including furnishing of a bank guarantee in favour of the respondent / Customs.

4. If the petitioners desire to avail of facility of conditional release of goods, then, they will have to approach the authorities and comply with the conditions in that regard. That option and even the liberty to avail of it, is still available.

5. We cannot keep these Petitions pending and in the absence of any material to challenge these conditions. Now, even the show cause notice has been issued.

6. In the circumstances, it is for the petitioners to avail of this opportunity and have the goods released. They can still do so. The Petitions are disposed of, but, by clarifying that we have not examined the rival contentions. They are kept open and for being raised by the petitioners at an appropriate stage before the appropriate Forum. Needless to clarify that all actions including of seizure of the goods shall abide by the final outcome of the adjudication proceedings.

(N.W. SAMBRE, J.)

(S.C. DHARMADHIKARI, J.)