

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1760 OF 2015

Hindustan Platinum Pvt. Ltd.

... Petitioner

Vs

1. The Union of India & Anr.

... Respondents

Mr. V. Sreedharan, senior counsel with Mr. Prakash Shah, Ms Lakshmi Menon and Jas Sanghavi i/b PDS Legal for the Petitioner.

Mr. P.S. Jetly for the Respondent No.2.

**CORAM : S.C. DHARMADHIKARI &
S.P. DESHMUKH, JJ.**

MONDAY, 23RD FEBRUARY, 2015

P.C. :

1. This writ petition under Article 226 of the Constitution of India seeks the following prayer :

“(a) that this Hon'ble Court be pleased to issue a Writ Mandamus or writ in nature of mandamus or any other appropriate writ, order or direction, directing the Respondent No.2 by himself and his subordinates, officers, servants and agents to forthwith (i) allow the Petitioners to export the goods viz. Electrical Silver Contacts and other products entered for export and (ii)

assess all the shipping bills filed by the Petitioners and permit the clearance of the goods covered thereunder:”

2. We have heard Mr. Sreedharan, learned senior counsel appearing on behalf of the petitioners and Mr. Jetly appearing on behalf of the respondents. The affidavit-in-reply of Ashish Mishra, Deputy Commissioner of Customs Export Assessment is taken on record.

3. In the light of the contents thereof and particularly at pages 51 to 53 (paragraphs 15 to 20) we enquired from Mr. Jetly as to when the consignments which are tendered for export on 22nd January, 2015, would be cleared and on a provisional assessment as claimed in this affidavit.

4. Mr. Jetly, on instructions, makes a statement that on or before 27th February, 2015, the order of provisional assessment would be passed and without the petitioners being required to make any further application.

5. We accept these statements made by Mr. Jetly on instructions as undertakings to this Court. If any further request or application in writing is necessary, the present petition be treated as such by the authorities and the requisite order be passed on 27th February, 2015.

6. In the light of the allegations in the writ petition and the reply thereof it would not be proper for us to make any observations on merits of the controversy. We keep all contentions of the petitioner open for being raised during such proceedings as are contemplated in law and in the affidavit-in-reply. We would highly appreciate if the investigations stated to be ongoing and continuing are concluded expeditiously and further steps are taken by the Revenue and in accordance with law.

7. With the above, we need not keep this writ petition pending. It is, accordingly, disposed of. Needless to state that if the Department has evolved a mechanism which would enable clearance of goods and on provisional basis in cases at least of export, then, we hope that

whatever may be the powers that the authorities intend to exercise in terms of their own mechanism, they should release the goods or the consignments early. Needless to further clarify that during such clearances, all appropriate declarations and authorizations so also undertakings can be obtained from parties.

S.P. DESHMUKH, J.

S.C. DHARMADHIKARI, J.