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

WRIT PETITION NO.3355 OF 2015

M/s. Tata BlueScope Steel Ltd.

..Petitioner

-Versus-

The Union of India & Ors.

..Respondents

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Mr. Vikram Nankani, Senior Counsel, a/w Rohit Jain & Ms. Divya Jeswant
i/b. Economic Laws Practice for the Petitioner.

Mr. Pradeep S. Jetly for the Respondent Nos.1 and 2.

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**CORAM: S. C. DHARMADHIKARI AND
A. K. MENON, JJ.**

DATE :- 31st MARCH, 2015.

PC.:

Mentioned. Not on board.

2] Mr. Nankani, the learned Senior Counsel, has in the morning session sought leave to take this Writ Petition in the format in which it was filed because of extreme urgency. He stated, on instructions, that the Customs Officers are in the bank premises and seeking immediate encashment of the bank guarantee/s. In the light of the urgency, we allowed the Petition to be mentioned at 3.00 p.m.

3] We have heard Mr. Nankani, learned Senior Counsel, appearing on behalf of the Petitioners and Mr. Pradeep Jetly, who waives notice and appears on behalf of the Respondent Nos.1 and 2, who are the contesting

Respondents. Both sides state that service on other Respondents can be dispensed with as the Petitioner's Senior Counsel does not seek any relief against them at this stage.

4] Therefore, with the consent of Mr. Nankani and Mr. Jetly, we dispose of this Writ Petition with the following order.

5] Mr. Jetly, the learned counsel, appearing for the Respondent Nos.1 and 2, on instructions, states that, in the event, the Petitioners produce the proof of fulfillment of the export obligation and as evidenced by documents and certificates issued by the Director General of Foreign Trade and his delegates, then, the Respondent Nos.1 and 2 shall in terms of the applicable policies, rules and notifications extend the requisite benefit to the Petitioners. Mr. Jetly, on further instructions, states that to enable the Petitioners to produce such documents and certificates, they are ready and willing to postpone the encashment of the bank guarantee/s and furnished by the Respondent No.6 bank favouring the Commissioner of Customs.

6] In the light of these two statements made by Shri Jetly, on instructions, which are accepted as undertakings given to this Court, Mr. Nankani, does not press this Writ Petition.

7] However, Mr. Nankani assures the Court that the Petitioners will produce the requisite document for verification by the second Respondent

on or before 10th April, 2015. Mr. Jetly states that they would be verified expeditiously and the benefit in terms of the above shall be extended soon thereafter.

8] In the light of this agreed position, we direct that for a period of four weeks from today, the bank guarantee/s issued by the Respondent No.6 in favour of the Department/Commissioner of Customs shall not be encashed by the said department.

(A. K. MENON,J.)

(S. C. DHARMADHIKARI, J.)