

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6363 OF 2015

Metalplast Exim (India) Ltd.

.... Petitioner

Vs.

The Union of India & Others

.... Respondents

Mr. Bharat Raichandani with Mr. Mahesh Raichandani
i/b Mr. Rajan Mishra for the Petitioner.
Mr. Pradeep S. Jetly for the Respondents.

CORAM: S.C. DHARMADHIKARI &
G.S. KULKARNI, JJ.

DATE: AUGUST 10, 2015

P.C:

Heard both sides. Perused the petition.

2. On the earlier occasion we had called upon Mr. Jetly to take instructions and inform us as to whether the application which has been preferred by the petitioner for de-bonding of 100% export oriented unit dated 18-1-2010 has been disposed of or is still pending.

3. After taking specific instructions, Mr. Jetly informs the Court that this application is still pending.

4. These are not happy state of affairs and though what the petitioner has done is to implead the Development Commissioner, Kandla, Special Economic Zone, Ministry of Commerce and Industry, Gandhidham, Kutch and the Commissioner of Customs, Excise & Service Tax, Vapi-Daman Road, Vapi, Gujarat, we are now informed that this application is pending with respondent No.2.

5. We are not concerned as to how this application which is stated to have been made for de-bonding of the export oriented unit has travelled upto this Development Commissioner and has remained unattended. We are also not presently concerned as to why this Development Commissioner having been informed of such pendency has sat on the files and for more than five years. It is for the superiors to investigate this inaction on the part of the authorities. Equally, after having received no objection from the Commissionerates, particularly

the Central Excise and Customs Range, Sarigam and copies of which are from pages 111 to 113 of the paper-book, why has this Development Commissioner not acted. It is now reported that he will take the requisite no objection certificate from all Commissionerates and concerned so also having nexus with the activities of the present petitioner and dispose of this application within a period of two months from receipt of a copy of this order.

6. We direct accordingly and also clarify that we have not expressed any opinion on the rival contentions. Our order does not mean that the adjudicating authority cannot pass any order in pursuance of a show cause notice dated 19-3-2015 and the adjudicating authority, namely, respondent No.3 can proceed to adjudicate the same on merits and in accordance with law. All contentions even in relation to that adjudication are kept pending. The writ petition is disposed of.

(G.S. KULKARNI, J.)

(S.C. DHARMADHIKARI, J.)