

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

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WRIT PETITION NO.5818 OF 2012

All Cargo Logistics Ltd. & Anr.	.. Petitioners
Vs.	
The Commissioner of Customs (Export) & Ors.	.. Respondents

**WITH
WRIT PETITION NO.7230 OF 2012**

Seabird Marine Services Pvt. Ltd. & Anr.	.. Petitioners
Vs.	
The Commissioner of Customs (Disposal) & Ors.	.. Respondents

**WITH
WRIT PETITION NO.9087 OF 2012**

Emirates Shipping Agencies (India) Pvt. Ltd. & Anr.	.. Petitioners
Vs.	
The Commissioner of Customs (Disposal) & Ors.	.. Respondents

**WITH
WRIT PETITION NO.8767 OF 2013**

CMA CGM Agencies (India)	.. Petitioner
Vs.	
The Union of India & Ors.	.. Respondents

**WITH
WRIT PETITION NO.8768 OF 2013**

CMA CGM Agencies (India)	.. Petitioner
Vs.	
The Union of India & Ors.	.. Respondents

WITH
WRIT PETITION NO.11792 OF 2013

Gold Star Line Ltd. & Anr.	.. Petitioners
Vs.	
Assistant Commissioner of Customs (Imports) & Ors.	.. Respondents

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Mr.Akshay Kolte-Patil a/w. Mr.Rahul Bothra, Ms. Sriya i/b.D.H.Law Associates, Advocate for the Petitioner in W.P.No.5818 of 2012 and for Respondent No.4 in W.P.No.9087 of 2012.

Mr.Pradeep S. Jetly, Advocate for Respondent Nos.1 to 5 in W.P.No.5818 of 2012 and for Respondent Nos.1 to 3 and 11 in W.P.No.7087 of 2012, for Respondent Nos.1, 3 and 4 in W.P.No.8767 of 2013, for Respondent Nos.1, 3 to 6 in W.P.No.8768 of 2013, for Respondent No.1 in W.P.No.11792 of 2013, and for Respondent Nos.1 to 4 in W.P.7230 of 2012.

Mr.Vishal Seth i/b.Mr.Bimal Rajeshkhar, Advocate for Petitioner in W.P.Nos.7230 of 2012 and 9087 of 2012.

Mr.Jitendra Motwani i/b. M/s. Economic Law Practice, Advocate for Respondent Nos.7 and 8 in W.P. No.9087 of 2012.

Mr.Bijal Mehta i/b. Devan Dwarkadas & Partners, Advocate for the Petitioner in W.P.Nos.8767 of 2013 and 8768 of 2013.

Mr.Mihir Nerurkar and Mr.Akhil Gurwada i/b M/s. Mulla & Mulla CB & C, Advocate for Respondent No.2 in W.P. No.8768 of 2013.

Ms.Smita Jha i/b. Mulla & Mulla CB & C, Advocate for the Petitioner in W.P.No.11792 of 2013.

Jasmin Upadhya i/b. M/s.M.V. Kini & Co., Advocate for Respondent No. 3 in W.P.11792 of 2013.

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

DATED : MARCH 4, 2015.

P.C. :

In these petitions which have been appearing before us from time to time after passing a detailed order we had indicated that the petitions would not be kept pending any longer. We have passed a detailed order in Writ Petition Nos.7230 of 2012, 5818 of 2012, 8767 of 2013, 8768 of 2013, 9087 of 2012 and 11792 of 2013. This common order passed on 5th February, 2015, indicates as to how compliances were made from time to time by the customs and all the statements recorded in this Court's earlier order and the affidavit filed and copy of which was made available to all parties.

2 On 5th February, 2015, we were informed by Mr.Seth, as counsel appearing in other petitions that some of the issues remained unaddressed and unresolved. A brief note/written submissions were placed before us and after perusal thereof, we broadly indicated the remaining issues. We also in paragraph 6 of our order taken note of the fact that there is a Core committee/Container Task Force. This committee meets on 21st of every month. It also held the meeting on 21st February, 2015. The unresolved issues were expected to be placed before this committee, deliberated and discussed upon threadbare. Mr.Jetly appearing on behalf of the respondents in each of these petitions submits that the Core committee did meet on 19th February,

2015 and took review of the decision taken in the earlier meeting. The minutes of this meeting are placed on record by Mr.Jetly. We take the same on record of these petitions.

3 The registry shall make copies of these minutes and place them on file of each of the petitions.

4 Additionally, Mr.Jetly has handed over signed statement which incorporates the position with all its details, in so far as writ petition nos.8818 of 2012, 9087 of 2012 and 8768 of 2013 and 11792 of 2013 are concerned.

5 It is stated that as per the orders passed by this Court from time to time out of 249 containers involved in all the petitions, as on date i.e. 2nd March, 2015, 211 containers have been released in the shopping lines. The 38 containers are pending destuffing and release. They are at various stages and even with regard to 6 containers out of the same, they would be put up for the auction. In relation to 14 containers, there is some customs examination in progress. We take on record the signed statement which contains details of all the writ petitions which are forming part of our earlier order.

6 In the light of the fact that these details were placed on record in the statement signed by Mr. Jetly, we indicated to some of the petitioner's counsel that they can discuss some pending issue or matter with the official present in Court. Even that opportunity has been availed of and for enabling the counsel to take up the issues during the oral discussion with this official, we kept the matter back till post recess.

7 After recess we are informed that the discussion with the official has been satisfactory. The parties and the officials are finding a solution to this ongoing problem. It is assured that the periodical meetings of the Core Committee/Container Task Force, would be convened every month. The agenda would be circulated in advance. Suggestions and views with regard to the items of the agenda would also be taken into consideration by the concerned officials in the customs department. They would, at the meeting allow the concerned persons including aggrieved parties to voice their grievances and will attempt redressing them in the meeting or in future meetings. Even, the minutes of such meetings would be circulated. We do not think therefore that the writ petitions be kept pending and when the process is assured to be continuing.

8 We accept the statements made today by Mr. Jetly on instructions and in terms of the minutes of the earlier meeting and the signed statement, as undertaking given to this Court. We dispose of the writ petitions in terms of our earlier directions and the undertaking given today. The writ petitions are, thus, disposed of without any order as to costs.

9 Needless to clarify that disposal of these writ petitions would not in any manner prejudice the rights and contentions of all parties in relation to such claims, as may arise or, as have already arisen. Meaning thereby there could be claims *inter-se* and between private parties or jointly against private parties and the concerned departments of the government or the government, as a whole. All such claims and contentions of both sides therein are kept open. None of the matters and particularly the contractual disputes can be said to be concluded in the light of our orders disposing of the writ petitions.

(S.P. DESHMUKH, J.) (S.C. DHARMADHIKARI, J.)