

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

CIVIL APPLICATION NO.2519 OF 2015

IN

WRIT PETITION NO. 1882 OF 2014

XYZ

... Applicant / Ori. Petitioner

Vs

1. Union of India & Ors.

... Respondents

Mr. Brijesh Pathak for the Applicant/Petitioner.

Mr. S.P. Bharati for the Respondents.

***CORAM : S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.***

WEDNESDAY, 28TH OCTOBER, 2015

P.C. :

1. On the Civil Application, the only relief that can be granted is that the petitioner gets the fruit of an order passed by a Division Bench of this Court in the Writ Petition. That order dated 27th / 28th April, 2015, passed in this Writ Petition directs the respondents to pay a sum styled as Policy of Reward for Informers & Officers. That Policy is dated 16th April, 2004. The payment, in accordance with the

said Policy, after adjusting the amount already paid, shall be paid in terms of this judgment within a period of three months from the date of the judgment.

2. On the earlier occasion, we inquired from Mr. Bharati and he informed us that the respondents have approached the Hon'ble Supreme Court of India against the Division Bench judgment. That is why we deferred taking any action in terms of the prayers of this Civil Application until today.

3. In paragraph 2 of the order dated 14th September, 2015, we had observed that if respondents fail to obtain any interim / ad-interim order and direction from the Hon'ble Supreme Court before today, then, they shall pay the amount or release the sum as directed in this Court's order.

4. Mr. Bharti has produced before us a copy of a receipt and which is duly signed by the petitioner. That evidences that the petitioner has received a sum of Rs.20,00,000/- as one-time final reward on 26th

October, 2015. The receipt is signed after identification by the Superintendent and later by the Commissioner of Customs–Import, JNCH, Mumbai Customs Zone-III. There are two witnesses who have also signed this receipt.

5. We take the xerox copy on record and marked “A” for identification.

6. Mr. Pathak would submit that this amount is not the payment determined and in accordance with the Policy and this Court's order. The quantum of reward ought to have been Rs.53,00,000/- and odd. The petitioner has been paid only a sum of Rs.25,00,000/- which is not 20% of the duty amount redeemed, namely, Rs.2,65,26,500/-.

7. We are afraid we cannot enter into this dispute for the simple reason that the receipt states that it is the sum of Rs.20,00,000/- and received by the petitioner which is one-time final reward. If the petitioner feels that this amount is inadequate or falls short of the Policy, then, nothing prevents him from adopting such proceedings,

including filing of a suit in the competent Civil Court. In the Civil Application with limited prayers, we cannot grant any further reliefs.

8. In the facts and circumstances peculiar to this case, we do not think that delay, if any, in implementing this Court's order is intentional and deliberate so as to enable this Court to take any action under the Contempt of Courts Act, 1971.

9. The Civil Application is, therefore, dismissed. No order as to costs.

B.P. COLABAWALLA, J.

S.C. DHARMADHIKARI, J.