

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9028 OF 2015**

Global Exim ... Petitioners
v/s
The Union of India and others ... Respondents

Mr Prakash Shah with Mr Jas Sanghavi and Mr Prasad Paranjape i/b
M/s PDS Legal for Petitioners.
Mr Pradeep S. Jetly for Respondents.

**WITH
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO.2292 OF 2015
IN
CUSTOMS APPEAL (L) NO.107 OF 2015**

The Principal Commissioner of Customs NS-II,
Nhava Sheva, Navi Mumbai ... Appellant
v/s
Global Exim ... Respondents

Mr Pradeep S. Jetly for Appellant.
Mr Prakash Shah with Mr Jas Sanghavi i/b M/s PDS Legal for
Respondents.

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

DATE : 21ST SEPTEMBER 2015

P.C.:-

1. Having heard Mr Jetly in support of the Revenue and Mr

Shah for the Assessee, we are of the view that this Appeal raises identical substantial question of law, on par with the three Appeals which are already admitted by this Court viz. Customs Appeal No.35 of 2006 and other Appeals. This Appeal is therefore admitted on the following substantial question of law :-

“(1) Whether the CESTAT is right in law in holding that no import permit is required to be obtained from the Central Insecticide Board and Registration Committee under the Ministry of Agriculture for import of Boric Acid for non-insecticidal purpose?”

We have heard Mr Jetly and Mr Shah on the point of interim relief / Notice of Motion of Revenue for stay of the impugned order.

2. In similar Appeals, which are admitted, this Court has not granted any stay of the impugned orders. Grant thereof would mean allowing the Appeal at this stage. Hence, interim stay refused.

3. In the light of the order on the Appeal, Writ Petition

No.9028 of 2015 is not pressed by the Petitioners. It is dismissed as withdrawn. No costs.

(B.P. COLABAWALLA, J.)

(S.C.DHARMADHIKARI J.)^{}**

**** CERTIFICATE**

Certified to be a true and correct copy of the original signed Judgment/Order.