

THE HON'BLE SRI JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.4757 of 2003

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ORDER: (Per Hon'ble Sri Justice Dilip B. Bhosale)

This Writ Petition is against the demand of an interest of Rs.1,25,57,453/- which, according to the respondents, the petitioner is liable to pay. It has come on record that the petitioner has already made a representation to the Board under Section 61(2) of the Customs Act, 1962 (for short, the Act), seeking waiver of the interest on the warehoused goods. This Court is informed that the representation has been pending before the Board since 27.01.2003.

In view thereof, learned Counsel for the petitioner does not press this Writ Petition and seeks direction to the first respondent to consider and decide the petitioner's representation on merits in accordance with law. He also seeks liberty to the petitioner to file additional grounds in support of the prayer in the representation. Learned Counsel for the respondents does not oppose the prayer and states that the representation, if pending, may be directed to be considered by the first respondent on merits in accordance with law.

In view of the submissions made by the learned Counsel for the parties, we are satisfied that the following order shall meet the ends of justice:

i) The first respondent shall consider and decide the petitioner's representation dated 27.01.2003, filed under Sub-section (2) of Section 61 of the Act, on merits in accordance with law, as expeditiously as possible, and preferably, within a period of six months from today.

ii) The petitioner is directed to communicate this order to the first respondent within a period of two weeks from today.

iii) It is open to the petitioner to file additional grounds in support of their prayer in the representation, within a period of four weeks from today.

iv) Pending hearing of the representation, no coercive action be taken against the petitioner.

iv) All contentions of the parties are kept open.

While passing this order, we shall not be understood to have examined merits of the representation. We hope and trust that the first respondent shall deal with the representation in proper perspective and in accordance with law. If the representation has already been decided, it is open to the petitioner to challenge the order passed thereon in appropriate proceedings.

With the above observations, the Writ Petition is disposed of. The miscellaneous petitions, if any, stand disposed of. No costs.

(DILIP B. BHOSALE, J)

(A.RAMALINGESWARA RAO, J)

21.04.2015

Note: Issue C.C by tomorrow.

B/o.

VS

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