THE HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.21613 of 2003

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

This Writ Petition challenges the order, dated 29.07.2003, passed by the Joint Commissioner of Customs and Central Excise in Order-in-original No.16/2003, confiscating Notebook Computers imported without a valid import licence, under Section 111(d) of the Customs Act, 1962 (for short, the Act), read with Section 11 of the Foreign Trade and Development Regulation Act, 1992, with an option to redeem the goods on payment of a fine of Rs.64,000/- under Section 125 of the Act and levy of penalty of Rs.6,000/- under Section 112 of the Act.

This Court is informed that the very same petitioner had filed W.P.No.9473 of 2002 against the similar order passed under Section 111(d) of the Act and the Writ Petition was disposed of vide order dated 12.08.2014. The concluding paragraph of the order reads thus:

> "Hence, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal and in case it is presented within eight (8) weeks from today, the Appellate Authority shall not raise any objection as to limitation. Since the goods were released on conditional interim order passed by this Court, the appeal shall be entertained without insisting pre-deposit of the amount in question. The miscellaneous petitions filed in this Writ Petition shall also stand closed…"

In view thereof, learned Counsel for the parties prayed for disposing of this Writ Petition with liberty to the petitioner to take the remedy of appeal under Section 128 of the Act within a period of eight weeks from today. If the appeal is filed by the petitioner within the time stipulated, the appellate authority shall decide the same on merits in accordance with law without entering into the question of limitation and/or condoning the delay in filing the appeal. It has come on record that 50% of the fine and penalty of Rs.35,000/- was deposited by the petitioner in view of the order passed by this Court dated 17.12.2003 with the Joint Commissioner of Customs and Central Excise. In view thereof, the appeal shall be entertained without insisting pre-deposit as contemplated under Section 129E of the Act.

With the above observations, the Writ Petition is disposed of. The miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

(DILIP B. BHOSALE, J)

(A.RAMALINGESWARA RAO, J)

05.02.2015
vs