

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2680 OF 2016

...	
M/s.Radhika Exports	...Petitioner
v/s.	
The Union of India & ors.	...Respondents
...	
Mr.Prakash Shah i/b PDS Legal for the Petitioner.	
Mr.Pradeep S. Jetly for Respondents.	

...
CORAM : S.C.DHARMADHIKARI &
A.A. SAYED, JJ.

DATED : 14 MARCH 2016

P.C.

By this Petition the Petitioner seeks writ of mandamus or any other appropriate writ or order directing the Respondents to forthwith finalize the 133 shipping bills, particulars of which are set out at Annexures G & J, and grant of consequential duty draw back with appropriate interest.

2. On notice being issued in Writ Petition, Mr.Jetly, learned Counsel appearing for the Respondents sought time to take instructions.

3. Today Mr.Shah appearing for the Petitioner produces a copy of the communication dated 10 March 2016 from the office of the Principal Commissioner of Customs (NS-II), Special Investigation and Intelligence Branch, Jawaharlal Nehru Custom House, Nhava Sheva, Navi Mumbai, District-Raigad, which is addressed to the

Deputy Commissioner of Customs, ICD Mulund (X), Mumbai on the subject of No Objection Certificate for release of drawback Pending Test Report of the Petitioner.

4. It appears that the Deputy Commissioner of Customs had sought some clarification from the Principal Commissioner of Customs and his office.

5. Now that aspect is clarified and the 129 shipping bills of the Petitioner, which were cleared provisionally by drawing samples, are directed to be finalized on the basis of the respective Test Reports and Drawback in respect of the said 129 shipping bills are directed to be processed on merit. Similar is the position qua 4 other bills.

6. On instructions, Mr.Jetly states that all this would be done within a period of four weeks from today.

7. We accept the statement of Mr.Jetly made on instructions as an undertaking to this Court.

8. We clarify that we have not examined the rival contentions. If the Petitioner is dissatisfied with the manner in which it's claims have been dealt with or that relief is not granted in respect of all the shipping bills, then in spite of disposal of the Writ Petition, the Petitioner is at liberty to raise all pleas and contentions before the appropriate authority or before the appropriate forum.

9. By accepting the contention of Mr. Jetly and in light of the communications, copies of which are taken on record and marked “X” for identification, the Writ Petition is disposed of.

10. We would expect hereinafter the Principal Commissioner of Customs or whosoever are the competent authorities not to keep such claims pending or detain the goods or shipping bills indefinitely. Eventually, parties like the Petitioner have to face number of problems and hurdles and have to incur unnecessary expenses, which affect their right to business. In such circumstances, the competent authorities shall evolve a mechanism so that hereinafter parties like the Petitioner do not have to rush to the High Court.

(A.A. SAYED, J.)

(S.C. DHARMADHIKARI, J.)