

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9657 OF 2015

M/s Maridian Export and Industries

..Petitioner

Vs.

The Union of India and Others

..Respondents

Mr. Prakash Shah a/w Mr. Jas Sanghavi i/b PDS Legal,for the
Petitioner.

Mr. Pradeep S. Jetly a/w Mr. Rajendra Kumar,for the
Respondents.

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

DATE :- NOVEMBER 21, 2016.

P. C.:

We have heard both sides. We have perused the
interim order of the Tribunal dated 30th January, 2015.

2 It is on an application seeking complete waiver of the
condition of pre-deposit pending the hearing of appeal on merits.

3 The Tribunal has noted rival contentions and though
we agree with its prima facie conclusion that this is not case of
complete waiver, we are inclined to interfere with the order of the
Tribunal only to a limited extent.

4 While we maintain the direction to deposit 15% of the penalty imposed in cash, as far as balance sum is concerned, we are of the opinion that interest of justice would be served if the percentage is brought down from 85 % to 50 %. The order stands modified accordingly. The Petitioner is granted eight weeks time to comply with this order. If compliance is reported, the Appeal shall be heard on merits and in accordance with law. The Writ Petition is disposed off.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)