

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION NO. 242 OF 2016
IN
WRIT PETITION NO. 423 OF 2015**

Shri K. P. Narayanan	..	Applicant
<u>In the matter between</u>		
Shri K. P. Narayanan	..	Petitioner
versus		
The Union of India & Ors.	..	Respondents

**WITH
NOTICE OF MOTION NO. 243 OF 2016
IN
WRIT PETITION NO. 1326 OF 2015**

Shri S. K. Phadke	..	Applicant
<u>In the matter between</u>		
Shri S. K. Phadke	..	Petitioner
versus		
The Union of India & Ors.	..	Respondents

**WITH
NOTICE OF MOTION (L) NO. 475 OF 2016
IN
WRIT PETITION NO. 423 OF 2015**

The Principal Commissioner of Customs (General)	..	Applicant
<u>In the matter between</u>		
Shri K. P. Narayanan	..	Petitioner
versus		
The Union of India & Ors.	..	Respondents

**WITH
NOTICE OF MOTION (L) NO. 478 OF 2016
IN
WRIT PETITION NO. 1326 OF 2015**

The Principal Commissioner of Customs (General)	..	Applicant
<u>In the matter between</u>		
Shri S. K. Phadke	..	Petitioner
versus		
The Union of India & Ors.	..	Respondents

Mr. L. S. Shetty with Mr. M. M. Nair for Petitioners in both Petitions.
Ms Neeta Masurkar with Mr. Vinod Joshi for Respondents in both Petitions.

**CORAM: V. M. KANADE AND
M. S. SONAK, JJ.
DATE : 05 JULY 2016**

P.C.:

1] The two notices of motion i.e. notice of motion nos. 242 of 2016 and 243 of 2016 are taken out by the petitioners seeking restoration of the two petitions which were disposed of by this court by order dated 29 February 2016.

2] When the two petitions came up for hearing before this Court, a statement was made by learned counsel appearing on behalf of the respondents that departmental enquiries have concluded and final orders will be passed within a period of six weeks. In view of this statement, learned counsel appearing on behalf of the petitioners did not press writ petitions and accordingly both the writ petitions were disposed of. It is now submitted that though, period of six weeks was

over by the end of April 2016, final orders have still not been passed. He therefore submits that the orders of withdrawal may be recalled and the main petitions be restored to the file. He submitted that petitioners have a good case on merits. He further submitted that the petitions were withdrawn only because the statement was made by the learned counsel appearing on behalf of the respondents that final orders would be passed within six weeks.

3] On the other hand, learned counsel appearing on behalf of the respondents submitted that they have filed notices of motion (I) no. 475 of 2016 and notice of motion (I) no. 478 of 2016 seeking extension of time to pass the final orders upto 31 August 2016. The reasons for seeking extension have been set out in the affidavit in support of the notices of motion. She submitted that the respondents now undertake to pass the final orders on or before 31 August 2016.

4] Since the respondents now undertake to complete the enquiries and pass final orders on or before 31 August 2016, we do not propose to accept the contentions of the petitioners and therefore, we would not like to restore the petitions, at this stage. Notices of motion seeking restoration of the petitions at this stage, are therefore disposed of.

5] Instead, we allow the notices of motion taken out by the respondents and grant time to the respondents to pass final orders on or before 31 August 2016. However, we make it clear that in the event final orders are not passed on or before 31 August 2016, both the petitions will stand revived and the orders disposing of the petitions made on 29 February 2016 would stand recalled.

6] Accordingly, notices of motion taken out by the petitioners as well as the respondents are disposed of in the aforesaid terms.

(M. S. SONAK, J.)

(V. M. KANADE, J.)

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