

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2646 OF 2012

M/S. MEENAKSHI IMPORTERS AND ANR. ...Petitioners

Versus

1.UNION OF INDIA AND ORS. ...Respondents

Mr.Rahul Singh i/b. Mr.Trevor Pereira, for the Petitioners.

Mr.Pradeep S.Jetly, for respondent Nos.2, 3 and 5.

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CORAM : S.C. DHARMADHIKARI &
G.S. KULKARNI, JJ.

DATED : 4th APRIL,2016

P.C.:

1. After this Writ Petition was placed before us and it was pointed out that the prayer is to quash and set aside the show cause notice dated 20th April,2012, we inquired from Mr.Jetly, learned Counsel appearing for the Respondents as to how this show cause notice issued nearly four years back, is yet not adjudicated.

2. Mr.Jetly fairly states that against the order passed by the

Customs, Excise & Service Tax Appellate Tribunal, by its Larger Bench, delivered on 2nd August, 2011, the Revenue has approached the Hon'ble Supreme Court of India. It is only in the event the Revenue succeeds and the Tribunal's order is set aside, that the show cause notice would be adjudicated and not otherwise. As and when the Hon'ble Supreme Court of India decides the issue, the Revenue will dispatch an intimation to that effect to the Petitioners calling upon them to remain present and make their submissions or give a reply to the show cause notice. We accept these statements of Mr. Jetly, made on instructions, as an undertaking given to this Court.

3. In view thereof, nothing survives in the Writ Petition. The Writ Petition is disposed of. While disposing of the same, we clarify that we have not expressed any opinion on the contents of the show cause notice and equally its maintainability. All contentions of both sides are kept open.

[G.S. KULKARNI, J.]

[S.C. DHARMADHIKARI, J.]