

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1438 OF 2015
IN
CUSTOMS APPEAL (L) NO. 56 OF 2011**

The Commissioner of Customs (Preventive)	...Appellant
<i>Versus</i>	
Lalit B. Jogani	...Respondent

Mr. Neelesh V. Kalantri, for the Appellant/Applicant.
Mr. Brijesh Pathak, with Mr. Sujay Kantawala, for the Respondent.

**CORAM: S.C. DHARMADHIKARI &
G.S. PATEL, JJ.**
DATED: 11th January 2016

PC:-

1. Heard Mr. Kalantri.

2. With all his efforts he cannot persuade us to condone a delay of 1521 days' in failing to remove the office objections. The Revenue's Appeal has been dismissed for want of steps being taken to comply with the procedural Rules. The lapse on the part of the official to follow up the matter with the Advocate or otherwise with the Registry will not enable us to condone the delay on which we do not have any explanation of cause on file. The contents of paragraph 2 of the Affidavit in Support lack in material and relevant

particulars. It is thus a vague and general averment complaining about some lapses because of transfer of the officials. The details such as the name of the official; the time during which he was with the Revenue and at the subject posting; when he was transferred and when the lapses on his part were noticed by the other official are not set out. The Advocate's clerk is also blamed and we do not know as to who is really responsible for what is termed as a serious lapse.

3. In these circumstances, we cannot accept the explanation as it is neither sufficient nor reasonable. The delay is, therefore, not condoned. The Motion is dismissed.

(G. S. PATEL, J.)

(S. C. DHARMADHIKARI, J.)