IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.3420 OF 2002**
**WITH**
**CAW-1047/2004 IN WP-3420/2002**
**WITH**
**CAW-2194/2012 IN WP-3420/2002**
**WITH**
**CAW-1370/2014 IN WP-3420/2002**
**WITH**
**CAW-306/2013 IN CAW-1726/2006**

Prathmesh & Others .... Petitioners
Vs.
Union of India & Others .... Respondents

**WITH**

**WRIT PETITION NO.6357 OF 2007**

Shakuntal .... Petitioner
Vs.
Union of India & Others .... Respondents

Mr. N.R. Bubna for the Petitioners.

Mr. Pradeep S. Jetly for Respondent No.1 in WP-3420/2002 & for Respondent Nos.1 & 6 in WP-6357/2007.

Ms Neeta V. Masurkar with Mr. S.G. Thakur for Respondent Nos.2 & 3 in WP-3420/2002.

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

**DATE :** FEBRUARY 27, 2017

**P.C:**

1. We would have been justified in disposing of these writ petitions but for the fact that Mr. Bubna raises one contention and which he says is not answered by any of the affidavits including the latest filed on 22-2-2017. Mr. Bubna would submit that the remaining grievance is with regard to the dues which is to be recovered and legitimately from M/s. Enercon India Limited. Mr. Bubna would submit that the recovery as far as M/s. L.D. Textiles is concerned, that has been taken care of by the various affidavits placed on record. Once these affidavits were taken on record and there is an assurance that the Revenue will consider the matter of reward to the informers in accordance with the prevailing scheme and take a decision as expeditiously as possible, the writ petitions could have been disposed of. However, there is another entity M/s. Enercon India Limited. With regard to that entity as well, some

information was given by the petitioners and which the Revenue has utilised. It is based on this information that action against M/s. Enercon India Limited had also commenced. However, it is not taken to its logical end.

2. This is an aspect covered by Writ Petition No.6357 of 2007. The petitioner in this petition had also filed an application therein styled as Civil Application No.1035 of 2008. This writ petition also he wants to prosecute in an assumed name. That application may have been granted but we are yet to find out as to whether the petitioner has provided any information based on which, as far as this entity is concerned, any further steps have been taken. Beyond relying upon some correspondence or stated to be information, the petitioner has not placed on record any materials. There is an affidavit which has been filed in this petition as well and as far as the Assistant Commissioner of Customs (SIIB) is concerned, he has stated in para 13 as under:-

> "13. With reference to Paras 22 and 23 of the *Petition, I say and submit that the contentions raised by the Petitioner in the said Paras are not correct because*

*as per the existing Circular, it is at the discretion of the Sanctioning Authority that the Reward upto 20% is granted. It is not mandatory on the part of the Competent Authority/Sanctioning authority to sanction Reward upto 20% as the same is based on several factors. Moreover reward upto 20% is an ex-gratia payment made by the Government to the Informers/Officers and cannot be claimed as a matter of right. The Respondent No.9 has already paid to the Petitioners one time final reward in the following cases:*

| Sr. No. | Name of Importer | SCN Date | O-in-O Date | Additional Duty Recovered (Rs.) | Final Reward Sanctioned & Disbursed to informer (Rs.) |
|---|---|---|---|---|---|
| 1 | M/s. Enercon India Ltd.,<br>44/1, Mehra Estate,<br>Vikhroli (W),<br>Mumbai-79 | 08.09.96<br>S/10-55/95 Gr.V JNCH<br>SG/INF35/MPD/SIIB/94 | 01.12.97 | 27,40,830/- | 4,50,000/- |
| 2 | M/s. H.M.G. Industries Ltd., Sidhwa House, 3rd Floor,<br>N.A. Sawant Marg,<br>Colaba | 26.09.97<br>SG/INF-40/MPD/93<br>SIIB<br>S10-41/97 VA | 14.09.99 | 25,09,100/- | 4,00,000/- |

3. From a perusal of the above, it is clear that the petitioner's petition (Writ Petition No.6357 of 2007) and particularly paras 22 and 23 thereof have been expressly dealt with and the contents of the same are denied by the Revenue. The Revenue has pointed out that the reward amount has not only been sanctioned but paid to the petitioner in the case of M/s. Enercon India Limited.

4. In the above circumstances, we are not in agreement with Mr. Bubna that something in relation to M/s. Enercon India Limited is required to be pursued and at the instance of the petitioner.

5. As far as the other petition (Writ Petition No.3420 of 2002) is concerned, we are already accepting the stand of the respondents and placed in the latest affidavit that they would take the requisite steps in pursuance of the reward scheme and reward the informer. Once that assurance has been given and the claim of the informer for reward will be considered by the Reward Committee, we direct that the decision in that behalf be taken as expeditiously as possible and within a period of twelve weeks. In such circumstances, nothing survives in both petitions.

6. We are of the clear opinion that we cannot direct payment of any sum to those persons who have identified themselves as Prathmesh and Shakuntal. The reward must go to the informer and who has been throughout dealing with the Department and identified as such by the Department.

7. Both the petitions accordingly stand disposed of.

8. In view of disposal of the writ petitions, the afore-stated civil applications do not survive and they accordingly stand disposed of.

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