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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9018 OF 2017**

Khetshi Hirji Shah

... Petitioner

Vs.

The Union of India and Ors.

... Respondents

Mr. Prakash Shah a/w Mr. N.D. George and Mr. Jas Sanghavi i/by PDS
Legal for the Petitioner.

Mr. Pradeep Jetly for the Respondents.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 23rd AUGUST, 2017

PC.

1 The learned counsel appearing for the respondents has placed on record a letter dated 22nd August, 2017 addressed to him by officiating Deputy Commissioner of Customs (P), M & P Wing, MPIU-Mumbai. The permission is sought to delete paragraph 16 of his affidavit in reply. The letter is taken on record and marked 'X' for identification. In view of what is stated in the letter, we permit the respondents to delete paragraph 16 from the affidavit by carrying out amendment within a period of two weeks from the date on which this order is uploaded.

2 The learned counsel appearing for the respondents, on instructions, states that goods covered by both the bills of entry which are subject matter of prayer clause (a) have been seized in exercise of powers under Sub-Section (1) of Section 110 of the Customs Act, 1962. On instructions, he states that application made by the petitioner for provisional release of goods in terms of Section 110(A) of the said Act will be decided in accordance with law within a period of two weeks from today. He also states that action of freezing bank account mentioned in prayer clause (a)(ii) has been withdrawn. We accept the aforesaid statements. He has also placed on record a communication issued to the Customs Department by Manager of Uco Bank recording that the account has been de-frozen and the same is taken on record and marked 'Y' for identification. We accept the aforesaid statements. In view of the statements, it is not necessary to grant any relief which is prayed for in this Petition. However, we direct that application made by the petitioner for provisional release of the seized goods by invoking Sub-Section 110(A) of the Customs Act shall be decided expeditiously and in any event within a period of two weeks from today. All concerned to act upon an authenticated copy of this order. Needless to add that all contentions on merits are kept open. The Petition is disposed of.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)