

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13947 OF 2016

M/s Orient Trade International

FZE through its Proprietor

Mr. Sanjay Kumar

..Petitioner

Vs.

Union of India and Others

..Respondents

Mr. Anupam Dighe a/w Ms Chandni Tanna, Mr. Karan Thackeray i/b India Law Alliance, for the Petitioner.

Mr. Pradeep S. Jetly, for the Respondents.

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

DATE :- FEBRUARY 6, 2017.

P. C.:

Heard both sides. Perused the impugned order. On the earlier occasion the grievance of the Petitioner was that the request as made to the authorities, was not considered. There was no provisional assessment and consequently release of the consignment which was seized.

2 Since we activated the authorities they have passed the provisional order and copy of the same is at page 229 of the paper book. That order dated 22nd August, 2016, is now challenged in the second round but before this Court.

3 The Petitioner has complained that the goods are seized and lying in the custody of the authorities. The request for re-export in respect of four containers was filed on 18th February, 2016. Thereafter, nothing was done and hence Writ Petition No. 7199 of 2016 was filed. In that, order dated 11th July, 2016 was passed. Pursuant thereto, now a provisional release and permission for re-export has been granted albeit conditionally.

4 The only condition that is impugned is that the Respondents are insisting on a cash security amounting to 25% of the reassessed CIF value of the goods.

5 If this or any other condition is questioned, then,

imposition of the same in the given facts and circumstances is a dispute which should not detain us in writ jurisdiction. The Petitioner has ample remedies to challenge even such an order. Either the Petitioner shall avail of the benefit of this order or dispute the condition. It can also request the authorities to make a final assesement. All such remedies being open, we do not think in writ jurisdiction we should intervene.

6 In the circumstances, leaving the Petitioner to the remedies and available under the law, we dispose off this Petition. We clarify that we have not expressed any opinion on the merits of the rival contentions.

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