

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12064 OF 2017

Shakti Insulated Wires Pvt.Ltd. ...Petitioner
vs.
Union of India & Ors. ...Respondents

Mr.Roshah Shah a/w Ms Divya Jaswant a/w Ms Vatsala
Pant i/b Argus Partners for the Petitioner
Mr.Pradeep S. Jetly for the respondents

CORAM : A.S.OKA, &
 A.K.MENON, JJ.
DATE : DECEMBER 6, 2017

P.C.:

1 Heard the learned counsel for the petitioner. It is not in dispute that a statutory remedy of preferring an appeal is available for challenging the Order in Original dated 5th October 2017. The submission of the learned counsel for the petitioner is that the said remedy is not efficacious. Firstly, he submits that he will not get any relief from the Appellate Authority as regards direction regarding payment of redemption fine. Secondly, he submits that the procedure under the Customs Tariff (Determination of Origin of Goods under the Preferential Trade Agreement Between Governments of the Republic of India and the Republic of Korea) Rules, 2009 has not been followed before passing the Order in Original. Thirdly, he submits that provisions of Customs (Provisional Duty Assessment) Regulation, 2011 have not been followed. He,

therefore submitted that the Order in Original is without jurisdiction.

2 Today, we cannot presume that the petitioner will not get any relief from the Appellate Authority as regards direction to pay redemption fine. As regards other grounds, the same can be agitated in the statutory appeal. Therefore, we do not agree that the statutory appeal will not be an efficacious remedy. Accordingly, we decline to entertain this petition on the ground of availability of an efficacious remedy of appeal. Writ petition is disposed of. We make it clear that disposal of this writ petition will not prevent the petitioner from adopting statutory remedy of appeal.

3 If any appeal is preferred by the petitioner, the Appellate Authority is bound to take a note of the fact that the present writ petition was filed on 3rd November 2017 and the same remained pending till today.

(A.K.MENON,J.)

(A.S.OKA,J.)