

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4968 OF 2017

BASF India Limited

Petitioner

versus

The Union of India and another

Respondents

Mr.Sridharan, Senior Advocate, with Mr.Prakash Shah and Jas Sanghvi i/by PDS Legal for petitioner.

Mr.M.Dwivedi for respondents.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 26th March 2018

PC :

1. After the petition was argued for some time and a preliminary objection was raised by Mr.Dwivedi to the maintainability of the petition on the ground that the petitioner can avail of an alternate and equally efficacious remedy of an appeal to the Tribunal, on instructions, Mr.Shridharan, learned Senior Advocate appearing for petitioner, does not press this petition.

2. He, however, submits that in fact the issue of limitation would be raised and if the limitation and time bar poses a difficulty in availment of the alternate remedy which is stated to be efficacious, then, this writ petition should be entertained.

3. We have heard both sides on this limited point and in the event the petitioner files an appeal by 30th April 2018, the Tribunal shall entertain it and decide it on merits without dismissing it as time

barred. In the event appeal is filed beyond that date, then it is for the petitioner to convince the Tribunal that it was prevented by sufficient cause in not filing it earlier.

4. With above direction the petition is disposed off. We clarify that we have not expressed any opinion on the rival contentions on merits of the case and all contentions are kept open.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)

MST