

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3560 OF 2018

M/s.V and R Overseas

Petitioner

versus

The Union of India through Secretary
and others

Respondents

Mr.Sujay Kantawalla, Mr.Anupam Dighe and Ms.Chandni Tanna i/by
India Law Alliance for petitioner.

Mr.Pradeep S. Jetly for respondents.

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

DATE : 26th March 2018

PC :

1. Having heard both sides and finding that the issue raised in this petition stands concluded by Division Bench orders passed in Writ Petition No.11747 of 2017 and Writ Petition No.13927 of 2017 decided on 11th January 2018 and 17th January 2018, this writ petition is disposed off in following terms :

2. (i) On the petitioner executing a bond equal to 150% of the value of the goods and furnishing a bank guarantee in the sum equal to 30% of the assessable value, both within a period of two weeks, as stated and undertaken, the competent authority shall pass an order on the pending application seeking a detention certificate and release the goods in favour of the petitioner. The bank guarantee shall be kept alive till final orders of the Competent Authority;

(ii) Needless to clarify that this would be without prejudice to the rights and contentions of both sides, particularly on the merits of the controversy;

(iii) While disposing off this petition with these directions, we clarify that we have not expressed any opinion on the rival contentions on the issues noted by us and they are kept open;

(iv) The authority to issue the requisite Detention Certificate forthwith, if petitioner furnishes bond and bank guarantee, as stipulated in clause 2(i) above.

3. The petition is disposed of accordingly.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)

MST