

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4734 OF 2018

Gurvinder Singh Kochhar

.... Petitioner

Vs.

Union of India & Others

.... Respondents

Dr. Sujay Kantawala with Mr. Brijesh Pathak &
Mr. Kartik Vig for the Petitioner.

Mr. Pradeep S. Jetly with Mr. J.B. Mishra for the
Respondents.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : JUNE 26, 2018

P.C:

1. After the earlier hearing and when this matter was posted today for passing orders, Mr. Jetly tendered an affidavit in reply, affirmed by the Assistant Commissioner of Customs in which the following statement is made in paragraph 43:-

“43. I say that in case the Petitioner desires to seek any modification or review of the Order of the Settlement Commission, he can do it only by approaching Settlement Commission by way of a suitable

Miscellaneous Application with relevant facts, whereupon the Settlement Commission, after giving an opportunity of hearing could arrive at appropriate conclusions and pass appropriate fresh orders.”

2. In the light of this statement, on instructions, Dr. Sujay Kantawala seeks leave to withdraw this writ petition with liberty to approach the Settlement Commission. The writ petition is disposed of as withdrawn with the liberty as prayed but by clarifying that our order does not mean that the Settlement Commission has the power, authority or jurisdiction to entertain any miscellaneous application or to deal with it much less pass a final order thereon. All such issues would be determined solely by the Settlement Commission in the event the petitioner approaches it.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)