

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4759 OF 2018

**JSW Steel Ltd. } Petitioner
 versus
Union of India and Anr. } Respondents**

Dr. Sujay Kantawala with Mr. Brijesh Pathak and Mr. Kartik Vig for the petitioner.

Mr. Pradeep S. Jetly for the respondents.

**CORAM :- S. C. DHARMADHIKARI &
 PRAKASH. D. NAIK, JJ.**

DATED :- APRIL 23, 2018

P.C. :-

1. In this matter, the petitioner's only contention is that the 9 orders that have been passed denying the benefit of a notification claimed by them in respect of the bills of entry and seeking to recover sums by encashing the bank guarantees, are all ex-parte orders. There was no opportunity of personal hearing to the petitioner and that is why these orders contravene the principles of natural justice.

2. On the earlier occasion, we had granted time to take instructions. On instructions, Mr. Jetly says that the orders have indeed been passed without hearing the petitioner.

3. In the above circumstances, ordinarily, the writ petition would not be entertained, but bearing in mind the peculiar facts and circumstances, we quash and set aside each of the 9 orders stated to have been passed and impugned in the petition. If the bank guarantees have been encashed by the authorities, then, let them deposit the amounts under these bank guarantees with the bankers of the petitioner and that should be done within a period of two weeks from the date of receipt of a copy of this order. Till the authorities pass a fresh order and for a period of four weeks thereafter, the petitioners shall keep all these bank guarantees alive and the respective bankers shall not allow the bank guarantees to be discharged or encashed until final orders, after compliances with our direction, namely, to hear the petitioner, are duly communicated to them. As far as the merits are concerned, we have not expressed any opinion.

4. With the aforesaid directions, the writ petition is disposed of.

(PRAKASH.D.NAIK, J.)

(S.C.DHARMADHIKARI, J.)