

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1056 OF 2018

IN

WRIT PETITION NO.407 OF 2018

Shree Ramdev Metal Mart & Anr.	 Applicants
<i>In the matter between</i>	
Shree Ramdev Metal Mart & Anr.	 Petitioners
Vs.	
The Union of India & Ors.	 Respondents

Mr. Prakash Shah with Mr. Jas Sanghavi i/by PDS
Legal for the Applicants/Petitioners.
Mr. P.S. Jetly for the Respondents.

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

DATE : MAY 04, 2018

P.C:

1. It is stated in this civil application that pursuant to the earlier order of this Court, the petitioners' request for provisional release of the goods has still not been considered.
2. The order passed by this Court on the writ petition, which is dated 13-2-2018, is specific. Either the petitioners be

granted permission to re-export the goods or the goods be provisionally released.

3. Nothing of this has been done, is the complaint of the petitioners/applicants.

4. Ordinarily, for the reasons that are stated by Mr. Jetly and unconvinced by the same we would have been justified in issuing a notice of contempt but on the persuasion of Mr. Jetly, we refrain from doing so. Mr. Jetly says that there is a practical difficulty in the sense the officer who had heard the petitioners {Commissioner of Customs (Export)} has since demitted office and is to take over as Commissioner of Customs (Imports) and that is why he must have the authority to pass the final orders, though the personal hearing is more or less concluded. The name of this officer is Mr. Ramesh Chander, Commissioner of Customs (Exports) but now the jurisdiction to decide this issue vests in the Commissioner of Customs (Import), who is a distinct officer.

5. Presently, that officer is not available and

Mr. Ramesh Chander is very much in the same office/building and therefore Mr. Prakash Shah, on instructions, states that the petitioners would have no objection if the matter is heard and disposed of by Mr. Ramesh Chander. The petitioners would not raise any objection to his jurisdiction or authority, much less the power to decide and pass an order.

6. We accept these statements of Mr. Prakash Shah as undertakings to this Court. In the facts and circumstances peculiar to this case, we direct Mr. Ramesh Chander to conclude the proceedings before him as expeditiously as possible and pass an order in accordance with law, within two weeks from today. In the event he is unable to pass a final order, he shall consider the request for the provisional release of the goods and pass an order on that application at least. The order be communicated to the petitioners within this period.

7. The civil application is disposed of.

(PRAKASH D. NAIK, J.)

(S.C. DHARMADHIKARI, J.)