

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8009 OF 2018

Abhishek Goyal Petitioner
Vs.
Union of India & Others Respondents

AND

WRIT PETITION NO.8012 OF 2018

M/s. Das Enterprises Petitioner
Vs.
Commissioner of Customs
JNCH, Nhava Sheva Respondent

AND

WRIT PETITION NO.8036 OF 2018

Sanjay Gupta,
Proprietor of M/s. Shubh Trading
Company Petitioner
Vs.
Union of India & Others Respondents

AND

WRIT PETITION NO.8037 OF 2018

Bimal Kumar Modi,
Proprietor of M/s. Empire Exports Petitioner
Vs.
Union of India & Others Respondents

AND

WRIT PETITION NO.8131 OF 2018

M/s. Bhikhan Lal Raj Kumar Petitioner
Vs.
Union of India & Others Respondents

AND

WRIT PETITION NO.8144 OF 2018

Veer Sales Corporation Petitioner
Vs.
Union of India & Others Respondents

Mr. Arijit Chakrabarti i/by Mr. Prashant Nakati for the
Petitioner in WP-Nos.8009, 8036 **And** 8037 of 2018.

Mr. Atish Dipankar Ray i/by Mr. Prashant Nakati for
the Petitioner in WP-8012/2018.

Mr. Chirag Shetty i/by Economic Laws Practice for
the Petitioner in WP-Nos.8131 **And** 8144 of 2018.

Mr. Karan Adik with Mr. Ram Ochani for the Respondents
in WP-Nos.8009, 8012, 8036 **And** 8037 of 2018.

Mr. Pradeep S. Jetly for the Respondents in WP-Nos.8131
And 8144 of 2018.

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

DATE : JULY 30, 2018

P.C:

1. These petitions under Article 226 of the Constitution

of India essentially pray for release of the goods covered by the Bills of Entry presented as far back as in September and October, 2017 and January, 2018. The provisional release is sought on the ground that from the day the consignments have been seized, no steps are taken by the Revenue. In fact, investigations were carried out and samples have been drawn as well.

2. After hearing both sides, we do not find any reason to deviate from our order and direction passed in several writ petitions on identical point. The consignment is of Areca nuts. There is a dispute about the country of origin. We have not touched any of the disputed issues and far from prejudicing the interest of the Revenue, rights and equities have been safeguarded and balanced. We do not see any reason to accept the argument of the counsel for the respondents that the same course need not be followed in these petitions.

3. Hence, the following order:-

(a) On the respective petitioner in each of these petitions executing a Bond equal to 150% of the value of the goods

and furnishing a Bank Guarantee in the sum equivalent to 30% of the Duty, both within a period of two weeks, the Competent Authority shall pass an order on the pending application seeking a Detention Certificate and release the goods in favour of the respective petitioner. The Bank Guarantee shall be kept alive till final orders of the Competent Authority;

- (b) Needless to clarify that this would be without prejudice to the rights and contentions of both sides, particularly on the merits of the controversy;
- (c) While disposing these petitions with these directions, we clarify that we have not expressed any opinion on the rival contentions on the issues and they are kept open.

4. The petitions are disposed of accordingly.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)

Suresh
Jagdish
Sajnawat

Digitally signed
by Suresh
Jagdish Sajnawat
Date: 2018.08.02
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