

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

WRIT PETITION NO. 7998 OF 2018

Yiwu Safe Import & Export Trading Co.
Ltd.,

... Petitioner.

V/s.

Commissioner of Customs (Import),
Nhava Sheva, Post Uran, Raigad & Ors.

... Respondents.

WITH

WRIT PETITION NO. 10108 OF 2018

Rolana Toys Co. Ltd.,

... Petitioner.

V/s.

Commissioner of Customs (Import),
Nhava Sheva, Post Uran, Raigad & Ors.

... Respondents.

Mr. Atish Dipankar Roy, Advocate I/by Prashant Nakati
Advocate for the Petitioners.

Mr. Pradeep S. Jetly, Advocate for the Respondents.

**CORAM : M.S. SANKLECHA And
RIYAZ IQBAL CHAGLA, JJ.**

DATE : SEPTEMBER 07, 2018

PC :

1 At the request of the Petitioners, both these
petitions are being disposed of by this common order.

2 These two petitions, under Article 226 of the Constitution of India, seek direction to the Respondent No.1 - Commissioner of Customs (Import) to act on petitioners' applications dated 23.06.2018 and 04.07.2018 (in both petitions). The application seek permission to re-export the goods which have been exported by them into India from China. The need to re-export the goods has arisen, as the importer has abandoned the same inasmuch as he has not filed a Bill of Entry for Clearance of the goods.

3 Without commenting on the merits of both these petitions or on the stand of the Revenue, we feel it would be appropriate if the Commissioner of Customs (Import) i.e. Respondent No.1-would expeditiously dispose of the applications dated 23.06.2018 and 04.07.2018. This after granting a personal hearing to petitioners on their applications dated 23.06.2018 and 04.07.2018 in both the petitions.

4 Mr. Roy for the Petitioners, on instructions, states that he does not seek any show-cause notice. All that the petitioner seeks is personal hearing. It is agreed that the notice for hearing would be issued by the Respondent No. 1 to Mr. Naresh H. Makani, who has addressed two applications on behalf of both the petitioners.

5 Therefore, Respondent No.1 is directed to dispose of both the applications dated 23.06.2018 and 04.07.2018 for re-export of goods in accordance with the law. This, after granting personal hearing to the petitioners, as expeditiously as possible and preferably within a period of four weeks from today.

6 Both the Writ Petitions are disposed of in the above terms.

(RIYAZ IQBAL CHAGLA,J.)

(M.S.SANKLECHA,J.)

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