

jsn

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

WRIT PETITION NO. 11714 OF 2018

Pearl International

... Petitioner

V/s.

Union of India & Anr.

... Respondents

Mr. V.B. Singh, for the Petitioner.

**CORAM: M.S.SANKLECHA &
RIYAZ I. CHAGLA, JJ.**
DATE: 23RD OCTOBER, 2018.

PC:-

1. On 12th October, 2018, we passed the following order:-

1. *Shri Sharma, the learned counsel appearing in support of the Petition, states that the Respondents have been served and he undertakes to file an Affidavit of Service by 15th October,, 2018. Despite service, none appears for the Respondents.*

2. *This Petition as filed seeks reliefs in respect of Bills of Entries dated 26th September, 2017 and 24th October, 2017 which are still awaiting assessment. It is the case of the Petitioner that clearance of the consignments has been withheld without any justifiable reasons.*

3. *In the above facts, it would be necessary to hear the Respondents before passing any final order. Therefore, we adjourn the hearing of this Petition to 19th October, 2018.*

4. *It is made clear that on the next occasion, if the Respondents are not represented, we would consider the Petition on the basis of the submissions made in support thereon.*

5. *The Petitioner is directed to serve a copy of this order / direction to the Respondents.*

6. *Stand over to 19th October, 2018.*

2. This Petition was on board yesterday, at that time Mr. Singh informed us that in terms of the above order he has served not only the Petition but also the above order dated 12th October, 2018 upon the Respondents. However, he took time to file Affidavit of Service. Now the Affidavit of Service has been filed, we find despite notice to the Respondents, none appears on its behalf.

3. Thus as indicated in our above order dated 12th October, 2018, we proceed to consider the Petition on merits.

4. This Petition under Article 226 of the Constitution of India seeks a direction that the Bills of Entry filed by the Petitioner as far back as 26th September, 2017 and 24th October, 2017 be finalised in a time bound manner. This as the Respondents are not finalizing the Bills of Entry inspite of repeated requests. It is the Petitioner's grievance that the 'Srilankan Arecanuts' has shelf life and undue delay in finalizing the Bills of Entry causes prejudice to the Petitioner as the goods may lose its marketability.

5. In the above view, the Respondents are directed to dispose of the two Bills of Entry dated 26th September, 2017 and 24th

October, 2017 finally as expeditiously as possible and within a period of 12 weeks from today.

6. Writ Petition is disposed of in above terms.

(RIYAZ I. CHAGLA J.)

(M.S.SANKLECHA, J.)