

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 221 OF 2018

Indocen Electronic Sysystems Pvt. Ltd.

.. Petitioner

v/s.

Union of India & Anr.

..Respondents

Mr. R.K. Tomar for the petitioner

Ms. P.S. Cardozo for the respondent

**CORAM : M.S. SANKLECHA &
RIYAZ I. CHAGLA, J.J.**

DATED : 6th SEPTEMBER, 2018.

P.C.

1. This petition challenges nine orders dated 29th January, 2015 passed by the Deputy Commissioner of Customs under the Customs Act, 1962. The nine orders are annexed as Exhibit-B collectively to the petition.

2. Mr. Tomar, learned Counsel appearing in support of this petition seeks to withdraw the petition with liberty to approach the appellate Authority under the Act and also seeks a direction that the appellate Authority entertain the petitioner's appeals on merits without considering the period of limitation.

3. The nine impugned orders, all dated 29th January, 2015 were challenged by way of present writ petition only on 9th November, 2017. In the above view, in case the petitioner avails of an alternate remedy under the Act and files appeals against the impugned orders within the period of two weeks from today along with delay condonation application under Section 128 of the Act, the appellate Authority would deal with the delay condonation applications on its own merits and in accordance with law. It will also consider the time which has been spent from 9th November, 2017 till 21st September, 2018 (time granted to file appeals in this Court) sympathetically.

4. The appeals would be considered on merits only after the delay condonation application filed by the petitioner is allowed and the other requirements under the Act for the purposes of entertaining the appeals are fulfilled by the petitioner to the satisfaction of the appellate Authority.

5. The Writ Petition is dismissed in terms of the above directions.

(RIYAZ I. CHAGLA, J.)

(M.S. SANKLECHA, J.)!!