

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1703 OF 2019

M/s. Prateek International Petitioner
Vs.
The Commissioner of Customs (Imports) Respondent

Ms Aradhana Latne i/by Mr. Rohit Raheja for
the Petitioner.
Mr. Pradeep S. Jetly with Mr. Jitendra Mishra
for the Respondent.

CORAM: S.C. DHARMADHIKARI &
M.S. KARNIK, JJ.

DATE : FEBRUARY 15, 2019

P.C:

1. After having heard both sides, we find that the controversy and issue in this petition is identical to the one decided in Civil Writ Petition No.11747 of 2017 {*M/s. Unik Traders Vs. Union of India and others*}. There we had dealt with the import of Areca nuts from Sri Lanka.

2. We had balanced the rights and equities in the case of *Unik Traders* (supra). In this case as well, we propose to

grant a conditional relief and dispose of the writ petition by passing the following order:-

- (a) On the petitioner 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 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 this petition with these directions, we clarify that we have not expressed any opinion on the rival contentions on the issues and they are kept open.

3. The petition is disposed of accordingly.

(M.S. KARNIK, J.)

(S.C. DHARMADHIKARI, J.)