

M/s. Kitman International and Another ...Petitioners
vs.
The Office of Tahsildar and Others ...Respondents

**CORAM : M.S. SANKLECHA &
M. S. SONAK, JJ.**

P.C.:

None appears for Respondent No. 3 – Dy. Director General of Foreign Trade. Ms. Gaurangi Patil, learned counsel appearing for the Petitioners state that Respondent No. 3 has been served on two occasions. She also undertakes to file affidavit of service by 15th July, 2019.

2. This Petition under Article 226 of the Constitution of India seeks quashing of the notice dated 30th June, 2019 issued by the office of the Tahsildar, Andheri issued under the Maharashtra Land Revenue Code, 1966. The impugned notice seeks to attach the Petitioners' residential premises for non payment of penalty

imposed under the Foreign Trade (Development & Regulation) Act, 1992 by the Respondent No. 3 - Dy. Director General of Foreign Trade.

3. Ms. Patil, learned counsel in support of the Petitioners state that the basic order dated 18th and 21st September, 2017 passed by the Dy. Director General of Foreign Trade which have led to the impugned attachment notice dated 30th June, 2019 has been appealed against to the Additional Director General of Foreign Trade along with application for stay. However, in spite of the Petitioners' best efforts they have not been able to get an out of turn hearing on their Appeal and/or stay application by the Additional Director General of Foreign Trade. She further states that so far as the impugned order dated 30th June, 2019 is concerned she would file Appeal under section 247 of the Maharashtra Land Revenue Code, 1966 and challenge the same therein.

4. In view of above, learned Government Pleader on instruction of Mr. Subhash Kakade, Tahsildar, Andheri who is present in the Court states that for the period of two months which are available

to file Appeal from the impugned attachment notice dated 30th June, 2019, the State Government will not take any further steps for the sale/auction of the attached property.

5. In view of the above circumstances, the Petitioners are given liberty to approach the Additional Director General of Foreign Trade to request him dispose of their Appeals against the orders dated 18th September, 2017 and 21st September, 2017 early in view of the above facts. The Additional Director General of Foreign Trade to consider the Appeal and/or the stay application subject to the Petitioners' otherwise satisfying all other requirements for filing an Appeal from the orders dated 18th and 21st September, 2017.

6. The Petition is disposed of with the above details.

(M.S. SONAK, J.)

(M. S. SANKLECHA, J.)