

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO.427 OF 2019****IN****CUSTOM APPEAL NO.24 OF 2008**

The Commissioner of Customs Mumbai ..Applicant/Appellant.

v/s.

Galaxy Surfactants Limited ..Respondent.

....

Mr. Ram Ochani, for the Applicant.

....

**CORAM: M.S.SANKLECHA, &
S.C. GUPTE, JJ.**

DATE : 26 JULY, 2019.

P.C:-

. None appears for the Respondent, despite service.

2. Mr. Ochani, appearing in support of this application, undertakes to file an affidavit within one week.

3. This application has been taken out for recall of the order dated 1 November 2018 passed by this Court and extend the time provided to file a paper book by the said order for a period of further four weeks from today.

4. We note that the order dated 1 November 2018 had granted the Applicant twelve weeks' time to file the necessary paper book in support of the admitted appeals and have the index settled. It is further

noted that in case the paper book is not filed and the index not settled within aforesaid period of twelve weeks', the appeal itself would stand dismissed without further reference to the Court for non-prosecution.

5. We have perused the affidavit in support of the motion and are satisfied about the reasons given therein for the delay in preparing the paper book, Mr. Ochani, the learned Counsel for the Appellant, states that the paper book is now ready and he would have index settled with the aid of Registry in four weeks from today.

6. In the above view, we recall our order dated 1 November 2018 to the extent it dismissed the Applicant's appeal for non-filing of paper book and settling of index within twelve weeks' from 1 November 2018. We extend the time to file the paper book (which is ready) and to have index settled by period of further four weeks from today.

7. It is made clear that in case the above directions are not complied with by the Applicant, the appeal itself would stand dismissed, without further reference to the Court.

8. Notice of Motion is allowed in the above terms.

(S.C. GUPTE,J.)

(M.S.SANKLECHA,J.)

**Smita
Gonsalves**

Digitally signed by
Smita Gonsalves
Date: 2019.08.02
12:05:53 +0530