

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 415 OF 2019
IN
CUSTOM APPEAL NO. 50 OF 2007**

The Commissioner of Customs Mumbai ... Applicant/Appellant
V/s.
M/s. Galaxy Surfactanta Limited ... Respondent

Mr. Ram Ochani for the Appellant/applicant.
Mr. Jas Sanghvi I/by PDS Legal for the Respondent.

**CORAM : M.S. SANKLECHA AND
S.C. GUPTE, JJ.
DATED : 25th July 2019.**

P.C. :

1. This application has been taken out for recall of the order dated 1st 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.

2. We note that the order dated 1st November 2018 had granted the applicants 12 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 12 weeks, the appeal itself would stand dismissed without further reference to the Court for non

prosecution.

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

4. In the above view, we recall our order dated 1st November 2018 to the extent it dismissed the applicant's appeal for non filing of paper book and settling of index within 12 weeks from 1st 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.

5. 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.

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

(S.C. GUPTE, J)

(M.S. SANKLECHA, J)