

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

WRIT PETITION NO. 3392 OF 2018
WITH
NOTICE OF MOTION NO. 271 OF 2019

Supharma Chem	}	Petitioner
versus		
Commissioner of Customs, Nhava }		
Sheva and Anr.	}	Respondents

Mr.J.A.Udaipuri i/b. M/s.Udaipuri and Co. for the petitioner.

Mr.Pradeep S. Jetly for respondent no.1 and
Mr.Y.R.Mishra for respondent no. 2.

CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.

DATED :- SEPTEMBER 30, 2019

P.C. :-

1. Heard.

2. The petitioner before this court has claimed a relief that the imported goods under “Bill of Lading No.790910137230 dated 10th May, 2019 and Bill of Entry No.2225617 dated 29th May, 2019” be cleared for home consumption on payment of appropriate customs duty.

3. The parties before us conceded that the issue raised in the present petition is identical to that raised in several pending writ petitions before this court, particularly Writ Petition (L) No. 1477 of 2018.

4. We, therefore, pass similar orders even in this matter (orders dated 3rd May, 2018 and 17th July, 2018 in Writ Petition (L) No.1477 of 2018).

5. However, we clarify that all the writ petitioners before this court today need not file successive writ petitions merely because the consignment booked as an importer by the petitioners is being delivered or is to be delivered in lots or in partial consignments. Merely because the entire consignment is not delivered in one go or lot, but in the above manner, does not mean that successive writ petitions have to be brought. So long as the consignment of a certain, specified quantity of imported goods reaches the port, either in a single consignment or in multiple consignments, the clearance shall be permitted on the strength of this order passed in the present writ petitions.

6. Needless to clarify that as regards any further consignments sought to be imported, the petitioners will have to go through the process. We are not making any generalised order in regard to future imports, but only in regard to single or multiple consignments under the present purchases/ purchase orders/ invoices mentioned in these writ petitions.

7. Affidavit in reply, if tendered in the Registry, shall be accepted by it as an affidavit in this petition.

8. In the light of the above order, the notice of motion does not survive and stands disposed of as such.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)