

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

NOTICE OF MOTION NO. 97 OF 2019
IN
CUSTOMS APPEAL (LDG.) NO. 23 OF 2018

Devendra Pandya. ... Applicant.
In the matter between
Shri Devendra Pandya. ... Petitioner.
V/s.
Union of India and another. ... Respondents.

AND
NOTICE OF MOTION NO. 89 OF 2019
IN
CUSTOMS APPEAL (LDG.) NO. 25 OF 2018

Kaushik Mehta. ... Applicant.
In the matter between
Kaushik Mehta. ... Petitioner.
V/s.
Union of India and another. ... Respondents.

AND
NOTICE OF MOTION NO. 92 OF 2019
IN
CUSTOMS APPEAL (LDG.) NO. 24 OF 2018

Sheetal Medicare Products Pvt.Ltd. ... Applicant.
In the matter between
M/s.Sheetal Medicare Products Pvt.Ltd. ... Petitioner.
V/s.
Union of India and another. ... Respondents.

Mr.Anil Balani i/b. Mr.V.P.Dubey for the applicants in all matters.
Mr.Karan Adik with Mr.Ram Ochani for respondent Nos.1 and 2.

CORAM : A.S.OKA AND M.S.SANKLECHA, JJ.

DATE : 5th April 2019.

P.C.:

We grant leave to amend for correcting inadvertent errors in the prayer clauses of the notices of motion. Amendment to be carried out within two weeks from the date this order is uploaded.

2. Heard the learned counsel appearing for the applicants and the learned counsel appearing for the respondents. The learned counsel appearing for the applicants at the outset states that the appeals preferred by the applicants will remain confined to the order dated 13th February 2015/18th February 2015 passed in appeals by CESTAT. We accept the said statement.

3. There is a delay of 959 days in preferring appeals against the order dated 13th February 2015/18th February 2015. The notices of motion are opposed by the respondents. We have perused the affidavit in support of the notice of motion. A copy of the said order received by the applicant on or about 21st February 2015. It is stated that on 25th June 2015, application for rectification was filed by the applicants before the Tribunal. The application for rectification was dismissed on 24th January 2018. A copy of the said order was received on 2nd March 2018. Therefore, there is more than sufficient explanation for the delay of 959 days. Hence, sufficient cause is made out to condone delay. Notices of motion are made absolute in terms of prayer clause (a).

(M.S.SANKLECHA, J.)

(A.S.OKA, J.)