

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

NOTICE OF MOTION NO.929 OF 2018
IN
REVIEW PETITION [L] NO.21 OF 2018
IN
CUSTOMS APPEAL NO.17 OF 2016

Unison Clearing Pvt Ltd	 Applicant
<i>In the matter between</i>	
Unison Clearing Pvt Ltd	 Petitioner
Vs.	
The Principal Commissioner of Customs (General)	 Respondent

WITH
REVIEW PETITION [L] NO.21 OF 2018
IN
CUSTOMS APPEAL NO.17 OF 2016

Unison Clearing Pvt Ltd	 Petitioner (Ori.Respondent)
Vs.	
The Principal Commissioner of Customs (General)	 Respondent (Ori.Appellant)

Mr. Jas Sanghavi i/by Prompt Legal for the Applicant/
Petitioner.
Mr. Pradeep S. Jetly for the Respondent.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : OCTOBER 11, 2019

P.C:

1. Having heard both sides and finding that sufficient cause is made out for the delay, the motion is made absolute.

2. Having heard both sides, we find that the Judgment and Order under review, in final paragraphs 15 and 16, has held that, the delay in suspending or initiating inquiry against the Customs House Agent would not vitiate the action.

3. The matters which are remanded back to the CESTAT for a decision in accordance with law are only those in which a contra view has been taken. Therefore, on remand, the Tribunal will be obliged to take up such of the matters where it has held that the period is mandatory. The rest of the matters would be governed by the Judgment and Order under review. Therefore, the original respondent to this Appeal and the review petitioner before us need not have any grievance that any factual findings are going to be reopened in its case, particularly when in that individual case the view of the Tribunal is that the period of 90 days is directory and not mandatory. With this clarification, the review petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)