

**IN THE HIGH COURT OF BOMBAY AT GOA**

MISC.CIVIL APPLICATION NO. 796 OF 2018

IN

WRIT PETITION NO. 467 OF 2011

THE DY. COMMISSIONER OF CUSTOMS  
(P), MARMUGOA AND ANR.,

... Applicants

Versus

FLEMINGO (DUTY FREE SHOP) PVT.  
LTD., REP. BY ITS AUTHORIZED REP.,  
PRAKASH METHIL.,

... Respondent

Ms. Asha A. Desai, Standing Counsel for the Applicants.  
Adv. Ms. Kalpa Govekar for the Respondent.

Coram:- M. S. SONAK &  
SMT. M. S. JAWALKAR, JJ.

Date:- 3rd March, 2020

P.C.:

Heard Ms. Asha Desai, the learned Standing Counsel for the Applicants and Ms. K. Govekar, the learned counsel for the respondent.

2. Writ Petition no. 467/2011 was disposed off vide Judgment and Order dated 17/2/2020. However, it was not pointed out that this Misc. Civil Application was pending.

3. Now that we have disposed of Writ Petition no.467/2011, it is not necessary to make any orders on this Misc. Civil Application, except to permit the applicants i.e. the Customs Authorities to withdraw the amount of Rs.2,95,460/- (Rupees Two lakhs, ninety

five thousand four hundred and sixty only) deposited by the original petitioners in this Registry, together with interest, if any, that may have accrued thereon. The withdrawal of this amount will, however, abide by the adjucation as directed in our Judgment and Order dated 17/2/2020.

4. Further, this withdrawal will be without prejudice to the rights and contentions of all parties including in particular the original petitioners.

5. With the aforesaid directions, Misc. Civil Application no.796/2018 is disposed off.

6. All concerned to act on the basis of an authenticated copy of this order.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

ap/-