

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO. 77 OF 2019

Vikram Vinay Bhawe and anr. ... Petitioners

Versus

Central Board of Indirect Taxes and
Customs and Ors. ... Respondents

Mr. Dharma Raj for the petitioners.

Adv R.V. Govilkar a/w Ms. Shaba N. Khan i/by Pavan S. Patil for
respondent nos. 2 to 4.

Mr. Anil C. Singh, ASG aw Mr. P.S. Jetly, Sr. Advocate for respondent
no. 1.

CORAM : B.P. DHARMADHIKARI,
ACTING CHIEF JUSTICE &
NITIN R. BORKAR, J.
DATE : MARCH 13, 2020

P.C.:

Submission is about 109 vessels are available with the Customs Department and to avoid tax evasion, the guidelines require each vessel to be on patrolling duty for particular hours. Petitioners assert that on average each vessel could put only 10% of the expected standard hours and because of this, there is not only tax evasion but also other issues arise.

2. Learned standing counsel appearing for the respondent nos.

2 3, and 4 submits that the pleadings in the petition are based upon the old data and the present situation is not brought before the Court. According to him, in this situation, in the absence of current data, the court should not intervene in such matters.

3. Counsel for the petitioners has invited our attention to the fact that one such representation was sent by the citizen on 18/08/2018, but it is still lying without any action.

4. The fact that the said representation is made by some third person is apparent. However, considering the importance of the issue sought to be raised, we grant petitioners leave to make suitable representation to the Customs Department and such other Authorities as they deem proper. If such representation is made within three weeks from today, the Authorities may consider it in accordance with law within next three months.

5. With these observations and keeping all contentions of the parties open, we dispose of the petition.

NITIN R. BORKAR, J.

ACTING CHIEF JUSTICE