

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 801 OF 2019

Jindal Drugs Ltd.

.....Petitioner

Vs.

The Union of India and Ors.

.....Respondents

Mr. Prakash Shah a/w Mr. Jas Sanghavi i/by PDS Legal for Petitioner.

Mr. Pradeep Jetly, Senior Advocate a/w Mr. J. B. Mishra for Respondent Nos.1 to 3.

CORAM : K. R. SHRIRAM &

A. S. DOCTOR, JJ.

DATE : 18th AUGUST, 2022.

P.C.:-

1. By the present Petition, Petitioner had challenged the action of Respondent No.2 in not assessing Bills of Entry Nos.9420000 dated 26.12.2018 and 9486937 dated 01.01.2019 filed by Petitioner and not allowing clearance of "Eucalyptol" (referred to as imported goods) imported by Petitioner for further manufacturing in its factory, for want of import permit issued by Respondent No.3.

2. In pursuance of the order dated 25.01.2019 passed by this Court in this Petition, the goods imported by Petitioner and covered under Bills of Entry No.9420000 dated 26.12.2018 and 9486937 dated 01.01.2019 filed by Petitioner were provisionally allowed to be cleared for home consumption.

3. Petitioner contends that imported goods have multiple use including use as aromatic chemicals, which is non-insecticidal purpose.

4. Petitioner further contend that, pending hearing of the above Petition, Respondent No. 2, with effect from mid-2020, is allowing clearance of imported goods for home consumption without insisting upon the import permit to be issued by Respondent No. 3 under the Insecticide Act, 1968 in view of the DO letter F. No. PCCC/VJ/MISC-01/2019 dated 25.10.2019 issued by the Principal Chief Commissioner of Customs as the imported goods are used for non-insecticidal purpose.

5. Petitioner further contends that it has come to Petitioner's knowledge that by an administrative order, the Central Insecticide Board has also held that no import permit is required for import of goods used for non-insecticidal purpose.

6. Petitioner states that it will make all these submissions to the proper officer who can finalize the Bills of Entry by considering the submissions made by Petitioner.

7. In view of the aforesaid, the proper officer shall finalize Bills of Entry Nos.9420000 dated 26.12.2018 and 9486937 dated 01.01.2019 by passing a speaking order, after taking into consideration the submission filed by Petitioner and without being influenced by any other agencies and after complying with the principles of natural justice within a period of six weeks from today. Before passing the order, Petitioner shall be given a

personal hearing with at least 7 working days advance notice.

8. It clarified that the rights and contentions of Petitioner are kept open. We clarify that we have not made any obsevation on the merits of the matter.

9. The Writ Petition is disposed with no order as to costs.

(A. S. DOCTOR, J.)

(K. R. SHRIRAM, J.)