

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.3421 OF 2022

AACE Impex Ltd., .. Petitioner.
v/s.
Additional Commissioner of Customs,
Mumbai & Others .. Respondents.

Mr. Deepak Gandhi with Mr. Prashant L. Mehra and Mr. M.B. Kale i/b.
GNP Legal, for the Petitioner.

Mr. J. B. Mishra with Ms. Sangeeta Yadav, for the Respondents.

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**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : 28th MARCH, 2022.

P C:-

The application made by the Petitioner for re-export of the goods, has been rejected. It is submitted that the order was passed behind the back of the Petitioner. The grounds incorporated by the Petitioner in the application are not spelled out in the order.

2 It is further submitted that after 14 days, the Petitioner is incurring demurrage charges, the goods be shifted to the ware house.

3 It appears that on 5th March, 2022, the Petitioner had given a detailed application seeking re-export of the goods. On 7th March, 2022, the same appears to have been rejected. The application given by the Petitioner and reasons thereof ought to have been considered.

4 In light of the above, we pass the following order:-

(i) The authority shall decide the application of the Petitioner for re-

export of the goods (page 45) on its own merits afresh. Same be decided preferably within six weeks from the date the Petitioner appears before the authority. Petitioner may appear before the authority on 4th April, 2022. While deciding the said application, the impugned order would not be impediment;

- (ii) Petitioner may make application for shifting the goods to the ware house. The said application shall be decided preferably within one week from the date of the application.

5 With the above observations, Writ Petition is disposed of. No costs.

(VINAY JOSHI,J.)

(S.V.GANGAPURWALA,J.)