

Digitally
signed by
PURTI
PRASAD
PARAB
Date:
2022.08.17
10:51:45
+0530

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

WRIT PETITION NO. 3323 OF 2021

DSM Nutritional Product India Private
Limited

....Petitioner

V/s.

The Union of India and Ors.

...Respondents

Mr. Sriram Sridharan for Petitioner.

Mr. Jitendra B. Mishra a/w Mr. Ram Ochani for Respondents.

CORAM : K.R. SHRIRAM &

A.S. DOCTOR, JJ.

DATED : 11th AUGUST 2022

P.C. :

1. Without going into the merits of the matter, at the outset Mr.Sridharan requested that respondent be directed to give personal hearing to petitioner and put closure to the matter particularly in view of the report dated 26th October 2016 issued by the Special Valuation Branch of the Customs Department. Mr. Mishra relying upon affidavit of one Dr. Mahesh D. Chavan affirmed on 17th September 2021 tried to place the blame on petitioner's door step by saying that personal hearing was granted on 7th July 2021 but petitioner appeared on 28th July 2021 and requested for time to submit documents etc. One thing is clear that thereafter respondents have done nothing in the matter. We say this because in the letter dated 9th August 2021 petitioner has sought only 15 days time. But thereafter for almost 11 months respondent have done nothing. In fact petitioner has filed additional affidavit of one Mr. Chandrakant Bandu Dhanawade

affirmed on 25th July 2022 in which petitioner has listed number of times they met Dr. Mahesh Chavan after August 2021. They have also mentioned that in May 2022 petitioner even met the Principal Commissioner of Customs Mr. U. Niranjan and briefed him on the facts of the matter. But still respondents have done nothing.

2. Be that as it may, Mr. Mishra states that four weeks time be granted to enable respondent to pass necessary orders of finalizing the bills of entry. Mr. Mishra states that atleast seven working days advance notice shall be given for personal hearing on which date petitioner may come and personally explain and also file written submissions within three days thereafter recording what transpired during the personal hearing.

3. In view of the above, respondents are directed to finalize/pass orders on the bills of entry by 17th September 2022. Respondent shall give a personal hearing to petitioner on 5th September 2022 at 11.30 a.m. sharp and written submissions if any to be submitted by 8th September 2022.

4. Petition stands disposed. All rights and contentions are kept open.

5. We clarify that we have not made any observations on the merits of the matter.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)