

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5281 OF 2019**

Bombay Chemicals Pvt. Ltd. and Anr.

.....Petitioners

Vs.

The Union of India and Ors.

.....Respondents

Mr. Prakash Shah a/w Mr. Jas Sanghavi, Mr. S. Hussain, Mr. Vijay Ghedia
i/by Rakesh Sawant 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. Petitioner is importing Pyrethrum Powder, which according to Petitioner is plant product, for extracting Pyrethrin.
2. Petitioner submits that Pyrethrum Powder is not mentioned in Schedule to the Insecticide Act, 1968 and therefore no permit is required under the Insecticide Act for import.
3. Petitioner further submits that the test report produced by Respondent No.7 in his affidavit dated 27.05.2019, clearly states that no chemical is present which is listed in the Schedule to Insecticide Act.
4. Petitioner states that they will make all these submissions to the proper officer who can finalize the Bills of Entry by considering the submissions made by Petitioners.

5. The proper officer of the Customs shall finalize Bill of Entry No.2060840 dated 14.02.2019 by passing a speaking order independently and after considering the submissions of Petitioner and without being influenced by any other agency and within a period of six weeks from the date of the receipt of this Order. Before passing the order, Petitioner shall be given a personal hearing with at least 7 working days advance notice.

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

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

(A. S. DOCTOR, J.)

(K. R. SHRIRAM, J.)