

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

WRIT PETITION NO.13270 OF 2022

Aakash Polyfilms Limited and anr. : Petitioners

versus

Union of India and anr. : Respondents

Mr. Vipin Kumar Jain a/w Mr. Kartik Dedhia i/by P K Shetty for Petitioners.
Mr. S B Mishra a/w Mr. Yashodeep Deshmukh and Mr. Jahangir Aslam
Appraiser for Respondents.

**CORAM : K. R. SHRIRAM &
ARIF S. DOCTOR, JJ.
DATE : 16th NOVEMBER 2022**

P.C.

1 Mr Mishra, on instructions, states that other than documents, which Petitioners have been provided, the adjudicating authority will not rely on any other document. Though at first blush this statement would appear to be acceptable, in paragraph 19.11 of the show cause notice Respondents have relied upon certain documents provided by Bhavani Shipping Services (I) Pvt. Ltd and one Trans Vision Shipping Pvt. Ltd. and from these documents Respondents concluded that Country of Origin had been mis-declared by Petitioners as UAE instead of China. Petitioners want copies of those documents. In addition, Petitioners also want documents that Respondents have obtained during overseas inquiries and relying on which Respondents state Petitioners have mis-declared.

2 In our view, Petitioners are justified in seeking these documents and Respondents have to certainly provide those documents.

3 Petitioners have, in a letter dated 24th February 2021, called upon Respondents to provide seven documents. Item No.3 therein is already covered by earlier paragraph of this order. Remaining documents, for some strange reasons, have not been provided. Respondents are directed to provide those documents as well. All these documents mentioned above shall be provided within four weeks from today. Petitioners will be provided six weeks time to file reply to the show cause notice after providing last of the documents mentioned above. Unless six weeks period has expired, the show cause notice will not be proceeded with.

4 Petition disposed. No order as to costs.

(ARIF S. DOCTOR, J.)

(K. R. SHRIRAM, J.)