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

**INTERIM APPLICATION NO. 20380 OF 2022
IN
WRIT PETITION NO. 13250 OF 2022**

M/s. Elitecon International Ltd ... Petitioner
Vs.
The Union of India thr. Secretary Dept
of Legal Affairs and Ors ... Respondents

Mr. Priyadarshi Manish a/w Ms. Deepa Panicker, for Petitioner.
Mr Vijay H. Kantharia, a/w Ram Ochani, Advocate for Respondents.

**CORAM : NITIN JAMDAR AND
GAURI GODSE, JJ.**

DATE : 20 DECEMBER 2022

P.C.:

Writ Petition is already adjourned by earlier order dated 16 January 2023.

2. Interim Application is taken out by the Petitioner for modification of the order dated 17 November 2022, in respect of provisional release of goods upon furnishing bank guarantee of Rupees One Crore Ten Lakhs. This Order was passed pursuant to the Order passed on 16 November 2022 passed by this Court.

3. Learned Counsel for the Applicant states that amount of bank guarantee which amounts to 22 % of the value of seized goods is disproportionate and should be reduced.

4. From the Order dated 17 November 2022, we do not find any indication as to how the amount is fixed. According to us, an

appropriate course of action would that the Competent Authority to give audience to the Petitioner. The Petitioner has prayed to reduce the amount of bank guarantee.

5. The Competent Authority would consider the request of the Petitioner whether reduction of the bank guarantee can be done balancing the rights of the Petitioner and the interest of the revenue.

6. The decision be taken by the Competent Authority by 2 January 2023. Petitioner will attend the office of the Competent Authority on 23 December 2022.

7. Stand over to 16 January 2023 as scheduled.

(GAURI GODSE, J.)

(NITIN JAMDAR, J.)