

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4021 OF 2023

Warnapura Exports (P) Ltd., through Authorised  
Signatory Umashankar Jagdish Chaturvedi .. Petitioner

v/s.

Arshiya Logistics Services Ltd. And Ors. .. Respondents

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Mr. Sujay Kantawala, a/w. Mr. Ritesh Singh, i/b. Mr. M.V. Thorat, for  
the Petitioner.

Mr. J.B. Mishra, for Respondent No.2.

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CORAM: G.S. KULKARNI &  
JITENDRA JAIN, JJ.

DATE : 18<sup>th</sup> JULY 2023

P.C:-

We have heard Mr. Sujay Kantawala, learned Counsel for  
the Petitioner and Mr. Mishra, learned Counsel for Respondent No.2.

2. This petition is filed praying for the following reliefs:

“(a) *Call for the relevant records and proceedings from  
the office of Respondent authorities and after going  
into legality of the same, issue a Writ in the nature*

*of Mandamus or appropriate Writ, direction or order thereby to make the assessment of consignments and release the containers in favour of the Petitioner.*

*(b) Pending the hearing and final disposal of this Writ Petition, Respondents be directed to release the containers in favour of the Petitioner.”*

3. The petition concerns goods in respect of 19 containers, which are sought to be cleared under various bills of entries, the details of which are set out in the petition. The goods as on date are lying in the containers at the SEEPZ location of Respondent No.1-Arshiya Logistics Services Ltd.

4. Although the prayer in the petition is that the assessment of the consignments be ordered, for release of the goods, Mr. Kantawala, on instructions, states that the Petitioner would now intend to re-export the goods and for which the Petitioner intends to apply to the Development Commissioner -SEEPZ Special Economic Zone, Andheri (East), Mumbai – Respondent No.3. Mr. Kantawala states that the application to that effect would be made tomorrow seeking re-export of the goods, as the consignment, subject matter of the 19 containers, is of goods, which are perishable in nature, namely, Black Pepper and Betel Nuts.

5. Mr. Mishra, learned Counsel for Respondent No.2, would

obviously have no objection if the Petitioner approaches Respondent No.3 - Development Commissioner, SEEPZ Special Economic Zone, Andheri (East), Mumbai.

6. In the aforesaid circumstances, we dispose of the petition permitting the Petitioner to make an application to Respondent No.3 - Development Commissioner, SEEPZ Special Economic Zone, Andheri (East), Mumbai, who shall consider any such application as made by the Petitioner and decide the same in accordance with law as expeditiously as possible and within a period of two weeks from the date of receipt of the Petitioner's application.

7. All contentions of the parties are expressly kept open.

8. Petition disposed of in the above terms. No costs.

(JITENDRA JAIN, J.)

(G.S. KULKARNI, J.)