



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.388 OF 2023
IN
WRIT PETITION NO.5593 OF 2021

Indoshell Mould Limited

..Petitioner

Vs.

Union of India & Ors.

..Respondents

Mr. Prasannan Namboodiri with Mr. Chinmay Bhojane i/b. Mr. Tejal Darekar for Petitioner.

Mr. Y. R. Mishra for Respondent No.1 (UOI).

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

DATE : 18 DECEMBER, 2023.

P.C.:

1. We have heard learned counsel for the petitioner and learned counsel for the respondents. This contempt petition is filed by the original petitioner contending that the order dated 29th October 2021 passed by this Court in Writ Petition No.5593 of 2021 has been intentionally disobeyed by the respondents. At the outset, we need to note the operative portion of the said order which reads thus :

“24. Consequently, the respondents are directed to forthwith release the two consignments of Mercedes-Benz Engine Oil imported vide Bill of Entry of No.7801383 dated June 1, 2020 and Bill of Entry No.9094841 dated October 7, 2020 on completion of necessary legal formalities and in any case within the period of two weeks from

date of compliance of all legal formalities. The writ petition is partly allowed. No costs.

25. We make it clear that this order shall not preclude the competent authority to proceed against the petitioner in accordance with law.”

2. From the perusal of the aforesaid directions, it is quite clear to us that the release of provisional goods under the consignment in question was directed by this Court, on the petitioner completing the necessary legal formalities within two weeks of such completion of legal formalities. In this regard, paragraph 25 of the order makes it further clear that the said order was not to preclude the competent authority to proceed against the petitioner in accordance with law.

3. We have repeatedly asked the advocate for the petitioner for a statement made in the contempt petition as to whether the petitioner has complied with all the legal formalities as directed in paragraph 24 of the order. However, we have not been pointed out to any such statement in the memo of the petition. We may also observe that it is not a blanket direction to the respondents to release the goods within two weeks from the date of the said order, in fact the order passed by the Court was conditional on certain steps to be taken by the petitioner to complete all the legal formalities and with a further entitlement of the respondent being recognised, that the order would not preclude the competent authority to proceed against the petitioner in accordance with law.

4. We are also informed that the Revenue has assailed the order in question passed by this Court before the Supreme Court.

5. In any case, we do not find any intentional disobedience of the orders passed by this Court.

6. The Contempt Petition is accordingly rejected. However, keeping open all contentions of the parties in any other pending proceedings.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)