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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12804 OF 2022

M/s. Vautid India Private Limited

... Petitioner

vs.

The Deputy Commissioner of Customs & Ors.... Respondents

.....

Mr. S.S. Patil for the Petitioner.

Ms. P.S. Cardozo with Mr. Satyaprakash Sharma for Respondent
Nos. 1 to 3.

Mr. Karan Adik with Mr. Ram Ochani for Respondent No.4.

.....

CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.

DATE : 7 FEBRUARY 2023

P.C. :-

This petition is another instance where the representation made by the Petitioner is unanswered and reply affidavit is filed setting out various reasons thereby calling upon this Court to adjudicate the matter at first instance.

2. The Petitioner has sent a reminder on 11 July 2022 putting forth its grievance that they were not aware of the reasons why drawback claim is not released. Except pointing out to an e-mail which is annexed to reply affidavit between Manish Kumar where

one Harshavardhan has stated to have addressed one email to Pramod K. stating certain requirements, no communication addressed to the Petitioner has been placed on record.

3. We disapprove such conduct which needlessly takes judicial time of carrying out adjudication at the first instance. Either the Petitioner should have been informed that the Petitioner has to approach the appropriate forum as per Standard Operating Procedure dated 23 January 2020 or the Petitioner should have been informed clearly that the Petitioner is not entitled for refund on the specific grounds. Neither has been done.

4. We direct the concerned Respondents to give response to the Petitioner to its email dated 11 July 2022 with particulars as to whether the Petitioner is entitled to release its drawback claim or not, within three weeks or that there is a forum where the Petitioner can agitate the grievance. Thereafter, it is open to the Petitioner to take necessary steps as per law.

5. The writ petition is accordingly disposed of.

ABHAY AHUJA, J.

NITIN JAMDAR, J.