

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

WRIT PETITION NO.1168 OF 2022

M/s Bora Mobility, a Proprietorship Firm ... Petitioner

V/s.

Union of India and ors.

... Respondents

Mr.Bharat Raichandani with Mr.Rishabh Jain i/by M/s UBR Legal Advocates, Advocates for the Petitioner.

Ms.Shruti D. Vyas, "B" Panel Counsel for Respondent No.2/State.

Ms.Shehnaz V. Bharucha with Ms.Sangeeta Yadav, Advocates for Respondents No.4 and 5.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.
DATE : 8 MARCH 2023.**

P.C.:-

1. On 8 February 2023 following order was passed:

"Heard the learned Counsel for the parties.

2 This Petition is pending for more than a year on a simple issue as to who is the Proper Authority to decide the Petitioner's case / claim. According to the reply affidavit filed by the Deputy Commissioner of Customs – Respondent no.5, it is the Respondent no.4 who is the authority. The learned Counsel for the Petitioner states that exactly contrary stand is taken by the Respondent no.4. We disapprove of such stands taken by the officers of the Government leading to needless waste of judicial time and harassment to the citizens.

Priya Soparkar

3 We direct that Respondents no.4 and 5 would co-ordinate with each other, decide about forum and inform the Court on the next date through a joint note as to who is the correct authority to decide the Petitioner's claim. If not done, the Court would be constrained to call the officers to the Court to explain the position.

4 Stand over to 8 March 2023. To be listed under the caption "For Directions".

2. Learned counsel for Respondents No.4 and 5 states that order-in-original is passed on 25 February 2023. Learned counsel for the Petitioner states that in light of this order passed, grievance of the Petitioner stands redressed as regards the subject matter of the petition is concerned and as regards the other issue such as interest etc., the Petitioner will adopt the other remedies.

3. In light of this position, the writ petition is disposed of.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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