

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 751 OF 2022

Kirtanlal Steel Pvt. Ltd. & Anr. ... Petitioners

versus

Union of India & Ors. ... Respondents

TRUPTI
SADANAND
BAMNE

.....

Mr.Aashish Chauhan with Ms.Nisha Shah i/b. Kalpesh Joshi Associates for the Petitioners.

Mr.Parag Vyas with Mr. Ashutosh Mishra and Mr. Vikas K. Salgia for Respondent Nos. 1, 4 and 5.

Mr.Dhananjay B. Deshmukh with Mr.Satyaprakash Sharma i/b. Mr. Jitendra Mishra for Respondent Nos. 2 and 3.

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**CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.**

DATE : 7 FEBRUARY 2023

P.C. :-

Heard the learned Counsel for the parties.

2. On 29 October 2021, the following order came to be passed by the Division Bench :

“1. The petitioners seek interim relief in terms of prayer (e) of the writ petition. Prayer (e) reads as follows:-

“(e) Pending the hearing and final disposal of this petition, Your lordship may be pleased to allow the Petitioner No.1 to

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export the goods against Advance Authorization No. 0310820384 dated 11.04.2018.”

2. We find from page 62 of the writ petition that Advance Authorization No. 0310820384 dated 11th April, 2018 was valid till 11th October, 2019. The petitioners claim to have applied for extension of the authorization in October, 2021; however, no decision has been given on such application. While the said application is pending, the petitioners seek to export goods and the vessel by which the goods are scheduled to be exported is due to leave the shores of Mumbai on 5th November, 2021.

3. In such view of the matter, we direct the respondent no. 5, the Joint Director General of Foreign Trade, to offer an opportunity of personal hearing to the petitioners on Monday, 1st November, 2021, at 11.00 hours. The Joint Director General of Foreign Trade after such hearing shall proceed to decide the application of the petitioners, one way or the other, in accordance with law and communicate such decision to the petitioners by midnight. In the event the order is adverse to the petitioners' interest, they shall have the liberty to move the vacation Bench”.

3. The learned Counsel for the Petitioners states that pursuant to the order passed by this Court, necessary orders have been passed by the Respondents and the petition does not survive except for the

prayer clause (c) which is a direction to Respondent No.5 to process application filed by Petitioner No.1. The learned Counsel for the Respondents states that, according to his instructions, nothing is pending with the Respondents.

4. Be that as it may, if the application is pending, the decision thereupon be communicated to Petitioner No.1 within a period of four weeks from today. If the application is already disposed of, then the order disposing of the application be sent to Petitioner No.1.

5. We make it clear that the Respondents have not indicated in what manner the application of Petitioner No.1 was processed. If not decided, the same be decided as per law.

6. The writ petition is accordingly disposed of.

ABHAY AHUJA, J.

NITIN JAMDAR, J.