

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

WRIT PETITION NO. 418 OF 2023

M/s. V R Invogue ... Petitioner
vs.
Office of the Commissioner of
Customs (Export), DBK (XOS)
Section & Anr. ... Respondents

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Mr.Rajendra Shahasane for the Petitioner.

Mr.Karan Adik with Mr.Dhananjay Deshmukh for the
Respondents.

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

DATE : 28 FEBRUARY 2023

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner has filed this petition challenging the Order-in-Original dated 18 February 2017 passed by the Asstt. Commissioner of Customs, DBK (XOS), ACC, Mumbai.

3. This petition is filed on 15 September 2022. The Respondents have raised a preliminary objection that the Petitioner has a remedy of filing an appeal. The first question

would arise as to the delay between the date of the order dated 18 February 2017 and filing of the petition on 15 September 2022. The Petitioner has sought to plea that the Petitioner came to know for the first time in November 2021 through Bankers wherein it was informed that a lien has been marked. The proceedings between the Banks and the Petitioner is not on record. It is only a statement of the Petitioner that he came to know in November 2021. Be that as it may, thereafter it appears that the Petitioner has asked for a copy of the order and it is his grievance that the same has not been given. Since the lien has been created in November 2021 and copy was sought for on 8 December 2021 and was not given, the Petitioner has approached this Court.

4. In these circumstances and the fact that a remedy of appeal is available to the Petitioner, according to us, appropriate course of action would be that to direct the Respondents to give an authenticated copy of the Order-in-Original to the Petitioner within two weeks from today and thereafter leaving it open to the Petitioner to avail of the appellate remedy. The date of supplying authenticated copy of the Order-in-Original to the Petitioner as sought for by the Petitioner would be treated as starting period for limitation for

filing an appeal. It is open to the Petitioner to take such contention that may be available in law.

5. The writ petition is accordingly disposed of.

ABHAY AHUJA, J.

NITIN JAMDAR, J.