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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1657 OF 2024

Aecone Consumer Care Pvt. Ltd.
Having its Registered Address at
1st Floor, Shop No.154, Ashoka Shopping
Near G.T.Hospital, Fort,
Mumbai, Maharashtra – 400 001

... Petitioner

Versus

1. Union of India
through the Secretary, Ministry of
Finance, Department of Revenue,
North Block, New Delhi – 110 001
2. Deputy Commissioner of Customs
Special Investigation and Intelligence
Branch (Import), NS-V,
Jawaharlal Nehru Custom House,
Nhava Sheva, Panvel,
Raigad, Maharashtra – 400 707
3. Xtrans Logistics Pvt. Ltd.
Agent for M & J Shipping Line,
903, The Great Eastern Summit,
Office – 903/905, B Block, Plot No.66,
Sector 15, CBD Belapur,
Navi Mumbai 400 614
4. Punjab State Container & Warehousing
Corporation Limited CFS,
Near Sector 2, Uran Road,
Jawaharlal Nehru Port Trust, Nhava Sheva,
Raigad, Maharashtra – 400 707
5. Punjab Conware O&M GAD Logistics I Pvt. Ltd.,
Plot 2, Sector, Dronagiri Node,
Nhava Sheva, Navi Mumbai,
Raigad, Maharashtra – 400 707

... Respondents

WITH
WRIT PETITION NO.1658 OF 2024

Suumit Enterprise

Aged 40

Having its Registered Address at

80, Upper Level, Shop No.1, Evershine Mall,

Link Road, Chincholi,

Malad (West), Mumbai – 400 064

... Petitioner

Versus

1. Union of India

through the Secretary, Ministry of
Finance, Department of Revenue,
North Block, New Delhi – 110 001

2. Deputy Commissioner of Customs

Special Investigation and Intelligence

Branch (Import), NS-V,

Jawaharlal Nehru Custom House,

Nhava Sheva, Panvel,

Raigad, Maharashtra – 400 707

3. Unifeeder Agencies India Pvt. Ltd.

D-301-305, Level 3, Tower - II, Seawoods

Grand Central, Plot No.R1, Sector – 40

Nerul Node, Navi Mumbai – 400 706, India

4. Xtrans Logistics Pvt. Ltd.

Agent for M & J Shipping Line,

903, The Great Eastern Summit,

Office – 903/905, B Block, Plot No.66,

Sector 15, CBD Belapur,

Navi Mumbai 400 614

5. Punjab State Container & Warehousing

Corporation Limited CFS,

Plot No.2, Sector 2, Nhava Sheva,

Dist.Raigad, Maharashtra – 400 707

...Respondents

5. Punjab Conware O&M GAD Logistics I Pvt. Ltd.,

Plot 2, Sector, Dronagiri Node,

Nhava Sheva, Navi Mumbai,
Maharashtra – 400 707

Mr.Anupam Dighe a/w Ms.Chandani Tanna a/w Mr.Ankit Trivedi a/w
Ms.Sweta Upadhyay i/b M/s.India Law Alliance for the Petitioner
Ms.Sangeeta Yadav a/w Ms.Sruti Kalyanikar i/b Mr.Subir Kumar for the
Respondent No.2

Mr.Moosa T.H. for the Respondent No.3 in W.P.No.1657/2024 and for
Respondent No.4 in W.P.No.1658/2024

Mr.Kishor More, Representative of Respondent Nos.5 in WP/1657/2024
and for Respondent No.6 in WP/1658/2024, GAD Logistics P.Ltd.
present

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 20th February, 2024

P.C.:

1. These Petitions have been filed under Article 226 of the Constitution of India. The following reliefs are sought in WP/1657/2024 :

“a. That this Hon'ble Court be pleased to direct Respondent No.2 to take all necessary steps and ensure that the Detention and Demurrage Waiver Certificate dated 14.11.2023 (Exhibit-C) issued under Handling of Cargo in Customs Areas Regulations, 2009 and Sea Cargo Manifest and Transhipments Regulations, 2018 is implemented by all concerned including Respondent No.3, 4 and 5 and thereafter to physically release the goods in the custody of the Petitioner,

b. That this Hon'ble Court be pleased to issue direction to the Respondents No. 2 to allow, facilitate, oversee and ensure clearance of the imported goods of the petitioner for home consumption by taking appropriate action against Respondent No. 4 and 5.

c. That this Hon'ble Court be pleased to issue a Writ of Mandamus or Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction directing the Respondent No.2 to ensure that the Detention and Demurrage Certificate dated 14.11.2023 issued in terms of Sea Cargo Manifest Regulation 2018 is implemented by Respondent No.3;

d. That this Hon'ble Court be pleased to issue a Writ of Mandamus or Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction directing the Respondent No. 3, 4 and 5 to waive off the detention charges if any, in view of Regulation 6 (i) (1) of the Handling of Cargo in Customs Area Regulations, 2009 in view of Detention and Demurrage Certificate dated 14.11.2023.”

2. Further, in Writ Petition No.1658 of 2024, the following reliefs are sought:

“a. That this Hon'ble Court be pleased to direct Respondent No.2 to take all necessary steps and ensure that the Detention and Demurrage Waiver Certificate dated 30.11.2023 (Exhibit-B1&B2) issued under Handling of Cargo in Customs Areas Regulations, 2009 and Sea Cargo Manifest and Transshipments Regulations, 2018 is implemented by all concerned including Respondent No.3, 4, 5 & 6 and thereafter to physically release the goods in the custody of the Petitioner,

b. That this Hon'ble Court be pleased to issue direction to the Respondents No. 2 to allow, facilitate, oversee and ensure clearance of the imported goods of the petitioner for home consumption by taking appropriate action against Respondent No. 5 and 6.

c. That this Hon'ble Court be pleased to issue a Writ of Mandamus or Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction directing the Respondent No.2 to ensure that the Detention and Demurrage Certificate dated 30.11.2023 issued in terms of Sea Cargo Manifest Regulation 2018 is implemented by Respondent No.3 & 4;

d. That this Hon'ble Court be pleased to issue a Writ of Mandamus or Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction directing the Respondent No. 3, 4, 5 and 6 to waive off the detention charges if any, in view of Regulation 6 (i) (1) of the Handling of Cargo in Customs Area Regulations, 2009 in view of Detention and Demurrage Certificate dated 30.11.2023.”

3. After having heard the matter for some time, the learned counsel for Respondent No.3, which is the agent for M&J Shipping Line, made a statement that Respondent No.3 was willing to issue a D.O. letter. Further, Mr.More, the representative for Respondent Nos.4 and 5, who appeared through Video Conference, made a statement that Respondent Nos.4 and 5 would issue the demurrage certificates within one week of receiving the D.O. letter.

4. In the light of the aforesaid statements made on behalf of Respondent Nos.3, 4 and 5, further adjudication of the Petitions is not necessary.

5. We accept the statements made on behalf of Respondent No.3, 4 and 5 and hereby dispose of these Petitions.
6. Petitions are accordingly disposed of. There will be no order as to costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)