



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2670 OF 2024

My Own Eco Energy Private Ltd.

... Petitioner

vs.

Union of India, through the Secretary, Ministry of
Law and Justice, Dept. of Legal Affairs & Ors.

... Respondents

Mr. Pradeep Jetly, Senior Advocate a/w. Mr. Brijesh Pathak for the
petitioner.

Mr. Jitendra B. Mishra a/w. Ms. Sangeeta Yadav, Mr. Ashutosh Mishra
and Mr. Rupesh Dubey for the respondents.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 17 April, 2024

P.C.

1. We have heard learned counsel for the parties on the present
proceedings.

2. The petition is filed praying for the following reliefs:

(a) to issue Writ of Mandamus or any other appropriate writs, orders or directions under Article 226 of the Constitution of India ordering and directing the Respondents their subordinates, servants and agents to forthwith accept the Test Report issued by Geo Chem Middle East FZE, an approved laboratory, at Exhibit B and C, at the Port of Loading and consequently finalize the assessment on the basis of such Test Report and thereafter finally assess and release the goods covered under the Bills of Entry Nos. 9563285 and 9563288, both dated 06.01.2024, Exhibit -A & B, within time bound period;

(b) to issue Writ of Mandamus or any other appropriate writs, orders or directions under Article 226 of the Constitution of India ordering and directing the Respondents their subordinates, servants

and agents that all future consignments being imported by the Petitioner of "Renewable Hydrocarbon" be finally assessed on the basis of Load Port Test Report, unless and until the appropriate agency acquires the compatibility and accreditation for conducting test of "Renewable Hydrocarbon", through known means required for renewable energy, within time bound period;

(c) to issue a Writ of Mandamus or any other writ, order or direction under Article 226 of the Constitution of India calling for the records pertaining to the Petitioner's case and after going into the validity and legality of the case and direct the Respondents to issue Certificate for waiver of demurrage and other charges in terms of Rule 6(1) of Handling of Cargo in Customs Area Regulations 2009, which were detained;

(d) At the ad-interim/ interim stage to direct the office of the Respondents to allow clearance of the goods covered under Bills of Entry Nos. 9563285 and 9563288, both dated 06.01.2024, Exhibit -A & B on such terms and conditions as this Hon'ble Court may deem fit and proper;

(e) For such other and further reliefs as this Hon'ble Court may deem fit to grant in the circumstances of the case.”

3. During the pendency of this petition and on the basis of the reports which were obtained by the respondents from the Deputy Commissioner of Customs, it has been informed to the Court that the goods in question are not renewable hydrocarbon but they are Automotive diesel fuel. In regard to such discrepancies in the bills of entry, respondent no. 3 has issued show cause notice in respect of one bill of entry, a copy of which is handed over to Mr. Pathak, learned advocate for the petitioner. In respect of second bill of entry, it is stated that the show cause notice will be issued within one week from today. In this view of the matter, we are of the opinion that the petitioner needs to take an appropriate call in regard to the show cause notice in question.

4. Mr. Jetly, learned senior counsel for the petitioner, on instructions, submits that the show cause notice would be immediately replied. We are of the opinion that as the subject matter of both the show cause notices would be common, let the show cause notice be adjudicated within a period of four weeks after the reply to the show cause notice is submitted. This for the reason that first show cause notice is likely to be replied on an earlier date. All contentions of the parties on the issues which may arise for adjudication of the show cause notice may be expressly kept open.

5. The petition is accordingly disposed of in the aforesaid terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI , J.)