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

**WRIT PETITION NO. 3609 OF 2024**

Indusina Exim LLP Thr. Its Managing Partner ... Petitioner  
Radhakrishna Pillai

*Versus*

Commissioner of Customs (Import) ... Respondents

Mr.K.T.Thomas a/w Mr.Melvin Francis i/b Mr.Sourav Chhetri for the  
Petitioner

Mr.Jitendra B. Mishra a/w Mr.Dhananjay B. Deshmukh a/w Ms.Sangeeta  
Yadav for the Respondents

Mr.N.R.Prajapati a/w Mr.Sachidanand Singh for the Respondent No.3

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**CORAM: G. S. KULKARNI &  
FIRDOSH P. POONIWALLA, JJ.**  
**DATED: 12<sup>th</sup> March, 2024**

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**P.C.**

1. We have heard the learned counsel for the parties. The petitioner had earlier approached this court in Writ Petition No.15414 of 2023 praying for the relief that the respondents be directed to grant provisional release of the goods which are the subject matter of Bill of Entry No.8733339 dated 11<sup>th</sup> November 2023 for home consumption. The goods being “apples” which were imported from Iran. A coordinate bench of this court of which one of us (Mr.G.S.Kulkarni, J.) was a member, by an Order dated 8<sup>th</sup> December 2023, disposed of the said petition with a direction to the respondents to provisionally release the goods in question within a period of four days on the petitioner furnishing bond for payment of duty.

2. It appears from what has been stated by Mr.Mishra, the learned counsel for the Revenue, that the goods were provisionally assessed as per the directions of this Court on 9<sup>th</sup> January 2024, as the department had also filed

Review Petition, being Review Petition No.107 of 2023, which came to be dismissed by an Order dated 14<sup>th</sup> December 2023 passed by this Court. Mr.Mishra, on instructions, submits that, till date, the petitioner has not taken steps to clear the goods and the goods are still lying with the respondents. The prayers as made in the present petition are not in regard to the clearance of the goods. The prayers are primarily on the detention / demurrage waiver certificate being claimed by the petitioner. The prayers as made in the petition read thus:

*“a) Issue a Writ of Mandamus or any other appropriate writ, order or directions, directing the Respondent Nos.1 and 2 to issue / instruct Detention / Demurrage Waiver Certificate for the goods covered by **Exhibit – A** Bill of Entry.*

*b) To appoint an Advocate Commissioner for conducting joint examination of the goods covered by **Exhibit-A** Bill of Entry along with Respondent Nos.1, 2 and 4.*

*c) To direct the Respondent Nos.1, 2 and 4 to conduct joint examination of the goods, with the Advocate Commissioner, prior to the remittance of detention and demurrage charges.*

*d) For such other and further reliefs as the nature and circumstances of the case may require and this Hon'ble Court deem fit and proper be granted.”*

3. Having heard the learned counsel for the parties, we find that, although the petitioner had submitted necessary bond, however, the petitioner had made an application to the respondents dated 20<sup>th</sup> December 2023 requesting for issuance of detention waiver letter. It appears that such request of the petitioner has remained pending, and, possibly, for that reason, the goods are also not so far cleared. We, accordingly, direct the respondents to decide the said application of the petitioner (Exhibit 'N'), dated 20<sup>th</sup> December 2023, as expeditiously as possible, and, in any case, within a period of two weeks from the date this order is presented before the concerned officer.

4. Petition is accordingly disposed of in terms of the aforesaid observation.  
No costs.
5. All contentions of the parties in that regard are expressly kept open.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)