

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8700 OF 2024

IN

WRIT PETITION NO. 5172 OF 2024

The Deputy Commissioner of Customs (Import-I) ...Applicant

IN THE MATTER BETWEEN

Ratnagiri Gas & Power Pvt Ltd (RGPPL) ...Petitioner

Versus

Office of the Assistant Commissioner & Ors ...Respondents

Mr. Jitendra B. Mishra, *a/w Dhananjay B. Deshmukh & Ashutosh Mishra, Advocates for the Applicant & Respondent No.1.*

Mr. Akash Menon, *a/w Kalash Bakliwal, Advocates for Original Petitioner-RGPPL.*

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE : MAY 08, 2024

PC :

1. The above application has been made by the Applicant [the Deputy Commissioner of Customs (Import-I)] seeking an extension of time granted by the order dated 5th April, 2024, passed in the above Writ Petition. The operative part of the order dated 5th April, 2024 reads thus:

“ORDER

(i) Let the bank guarantee in question be extended by the petitioner for a period of one month from today;

(ii) The Assistant Commissioner/Original Authority shall hear the parties, namely, petitioner and respondent no. 2 on the issue of furnishing/extension of bank guarantee and after considering the rival contentions, pass an appropriate order in accordance with law. Let such decision be taken within a period of four weeks from today.

(iii) All contentions of the parties in that regard are expressly kept open.

(iv) Our aforesaid directions would not preclude the Assistant Commissioner from deciding the entire proceedings in remand, if he so feels appropriate.

(v) As the imports in question are of the year 2012, the issues ought not be delayed any further.”

2. Having heard the learned Counsel appearing for the Applicant as well as the learned Advocate appearing on behalf of the original Petitioner, we extend the time for keeping the bank guarantee alive for a period of four weeks from today, as well as for the Assistant Commissioner/Original Authority to pass an order within four weeks from today as contemplated in paragraph (ii) of the operative part of the order dated 5th April, 2024.

3. The Interim Application is disposed of in the aforesaid terms.

However, there shall be no order as to costs.

4. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by
fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]