

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10545 OF 2024
WITH
WRIT PETITION NO.10546 OF 2024

My Own Eco-Energy Private LimitedPetitioner

V/s.

Union of India and Ors.Respondents

Mr. Prakash Shah a/w. Mr. Brijesh Pathak for petitioner.

Mr. Siddharth Chandrashekhar i/b. Ms. Sangeeta Yadav for respondents.

CORAM : K.R. SHRIRAM &
JITENDRA JAIN, JJ.

DATED : 11th SEPTEMBER 2024

PC. :

1 In paragraph 30 of the impugned order, it is noted as under :

30. I find that the aforesaid order of Hon'ble Appellate Authority was based on the submissions made by the importer. However, on going through the aforementioned report of other independent organization i.e. Vigilance department of Government of Maharashtra, I find that the findings were contrary to the submissions of the noticee made before the Hon'ble Appellate Authority. During the visit of State Vigilance to the factory premises, the employee of the noticee firm M/s My Own Eco Energy Pvt. Ltd., had admitted that the company imported the Renewable Hydrocarbon (Indizel) and HVO (Hydro Generated Vegetable Oil) and store the said Petroleum products in the big tanks situated in the factory premises. Thereafter, the goods are supplied to the attached petrol pump as per their demand without doing any process the products are supplied to them. I also find that the vigilance team had drawn samples of goods during their factory visit and referred the same to Directorate of Forensic Science Laboratories, Government of Maharashtra. The said lab had reported the goods to be petroleum hydrocarbon oil and not renewable hydrocarbon.

2 Mr. Shah, on instructions stated that petitioner has, after importing doing certain process on the products imported, selling finished

products. Therefore, to a query posed by the Court, both counsels agreed that a team from Commissionerate, Jawaharlal Nehru Custom House may visit the factory premises as well as office premises of petitioner to ascertain the veracity of what is recorded in paragraph 30 as quoted above. Infact for Mr. Chandrashekhar to take instructions, we had kept back the matter for some time. When the matter was called out again, Mr. Pathak appeared as Mr. Shah was not available. Mr. Pathak stated that the team can visit today itself and petitioner will extend all co-operation. Mr. Pathak states that even if they want to examine the documents that also will be permitted.

3 The visiting team may prepare a report and take the signature of petitioner's Director also. The inspection can be done in all premises of petitioner.

4 Stand over to 8th October 2024.

(JITENDRA JAIN, J.)

(K.R. SHRIRAM, J.)