

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16720 OF 2024

Mulak Rajan Sons and anr. ...Petitioners

Versus

Chief Commissioner of Customs,
Mumbai Zone-II and ors. ...Respondents

Mr Mayur Khandeparkar with Mr Chaitanya B. Nikte, Ms Esha Malik, Mr Ritvij Kale and Mr Swapnil Sangle, Advocates for the Petitioner.

Mr Jitendra B. Mishra with Ms Sangeeta Yadav, Mr Ashutosh Mishra and Mr Rupesh Dubey, Advocates for the Respondents No.1 to 3.

Mr Puneet Chopra with Ms Anjlika Chopra, Advocates for the Respondent No.5.

CORAM M.S. Sonak &
Jitendra Shantilal Jain, JJ.
DATED: 13th November 2024

PC:-

1. Heard learned counsel for the parties.
2. By keeping open the rival contentions on reliefs in terms of prayer clauses (b) to (e), we dispose of this petition by directing the Respondent No.3 to dispose of Petitioners' representations dated 7th November 2024 and 11th November 2024 as expeditiously as possible and in any event, within 10 days from today.
3. The learned counsel for the Petitioners and the Respondent No.5 state that the parties do not wish to have any personal hearing. However, the learned counsel for the Respondent No.5

states that leave may be granted to the Respondent No.5 to respond to the two representations dated 7th November 2024 and 11th November 2024 so that the representations and the response would be considered and disposed of together.

4. The learned counsel for the Respondent No.5 also clarifies that according to him, this is a purely civil dispute and therefore, even the authorities under the Customs Act, 1962 may not have jurisdiction over the issues now raised by the Petitioners, however, he submits that the response would be filed without prejudice and by raising this contention.

5. By keeping open all objections of all parties, we direct the Respondent No.3 to dispose of the representations after considering the replies of the Respondent No.5.

6. The Response must be filed within 3 days from today. The Respondent No.3 should nevertheless proceed to dispose of the representations.

7. The Petition is disposed of with the above directions. There should be no order as to costs.

8. All concerned to act on the authenticated copy of this order.

(Jitendra Shantilal Jain, J)

(M.S. Sonak, J)