



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3911 OF 2024

Vodafone Idea Limited

...Petitioner

*Versus*

Commissioner of Customs (Import)

Air Cargo Complex and ors.

...Respondents

---

**Ms Fereshte Sethna**, a/w Mr Ameya Pant, Ms Coral Shah i/b.  
DMD Advocates, for the Petitioner.

**Mr Jitendra B. Mishra**, a/w Ms Sangeeta Yadav, Mr Ashutosh  
Mishra, for the Respondents.

---

CORAM    **M.S. Sonak &  
Jitendra Jain, JJ.**  
DATED:    **4 December 2024**

PC:-

1. Heard learned counsel for the parties.
2. After the matter was argued for some time, learned counsel for the Petitioner seeks leave to withdraw this Petition with liberty to institute an Appeal against the impugned order dated 28 February 2024.
3. Learned counsel for the Petitioner states that such Appeal would be filed within four weeks from today. If the Appeal is indeed filed within four weeks from today after complying with all legal requirements, the Appellate Authority

must consider the same on merits without advertng to the issue of limitation. This is because this Petition was instituted within the limitation period prescribed for instituting an Appeal.

4. All contentions of all the parties, including, the contentions raised by the Petitioner in this Petition are explicitly left open to be considered by the Appellate Authority in the first instance.

5. The ad-interim order granted by us on 8 July 2024 is continued for four weeks from today. After that, it is open to the Petitioner to apply for interim relief from the Appellate Authority. If such an application is made, the same should be decided on its own merits and in accordance with law without being influenced by the grant of any ad-interim relief by us or its continuance by this order.

6. This Petition is disposed of as withdrawn with liberty in the above terms. There shall be no order for costs. All concerned to act on an authenticated copy of this order.

**(Jitendra Jain, J)**

**(M.S. Sonak, J)**