

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

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WRIT PETITION NO.5147 OF 2024

Vitraag India Pvt. Ltd. & Ors.

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Petitioners

Versus

The Union of India & Ors.

..

Respondents

Ms. Dishya Pandey a/w Stebin Mathew for the petitioners.

Mr. J. B. Mishra a/w Ms. Sangeeta Yadav, Mr. Ashutosh Mishra and Mr. Rupesh Dubey for the respondent-UI.

CORAM : M. S. Sonak &

Jitendra Jain, JJ.

DATE : 18 December 2024

PC.:-

1. Heard learned counsel for the parties.
2. The petitioner's grievance is that it exercised the option in paragraph 25(c) of the Order-in-Original dated 25 January 2024 within the period prescribed by addressing communications dated 21 February 2024 and 26 February 2024 to the concerned respondents. However, there was neither any response to these letters nor was the petitioner permitted to pay the redemption fine and to secure release of the seized diamonds.
3. Mr. Mishra, learned counsel for the respondents argues that the order dated 25 January 2024 was quite clear inasmuch as the redemption fine had to be paid within 120 days from the date of the order failing which, the option regarding payment of redemption fine and obtaining release of the seized goods would become void. He submitted that this was in accordance with provisions of Section 125(3) of the Customs Act.

4. We note that the respondents did not respond to the petitioner's communications dated 21 February 2024 and 26 February 2024 that were admittedly made within the period of 120 days of the order dated 25 January 2024. An appeal is also pending against the order dated 25 January 2024. Accordingly, we dispose of this petition by directing the appellate authority to dispose of the pending appeal expeditiously and further direct the 3rd respondent to dispose of the request made by the petitioner in their communications dated 21 February 2024 and 26 February 2024 as expeditiously as possible and in any event within two weeks of uploading of this order. Such disposal shall be in accordance with law and on its own merits. The 3rd respondent should also hear the petitioner and communicate its reasoned decision to the petitioner within three weeks of uploading of this order.

5. All contentions of all parties are left open.

6. Petition is disposed of in the above terms without any order for costs.

(Jitendra Jain, J.)

(M. S. Sonak, J.)