

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4657 OF 2025

Sai Fertilizer & Phosphates Pvt Ltd ...Petitioner

Versus

Union of India & Ors ...Respondents

Mr Sriram Sridharan, with Mr Siddhart Sen, for the Petitioner.

Ms Maya Majumdar, with Ms Kavita Shukla, for the Respondent.

CORAM M.S. Sonak &
Jitendra Jain, JJ.

DATED: 26 August 2025

PC:-

1. Mr Sridharan, the learned Counsel for the Petitioner, on instructions, seeks leave to withdraw this Petition with liberty to institute an Appeal against the impugned order-in-original dated 12 July 2024.

2. Mr Sridharan states that if leave is granted, Appeal will be instituted within three weeks from today. He requests for some direction to expedite the hearing of the Appeal.

3. Ms Maya Mujumdar, learned Counsel for the Respondents, submits that Appeal No. C/85996 of 2022 filed by the Department against Godrej Industries Ltd is also pending before the Tribunal. She states that this Appeal also involving the same subject matter. She submits that directions may be issued to the Tribunal to dispose of even this Appeal along with the appeal that is now going to be instituted by the Petitioner in some time bound manner.

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4. In the peculiar facts of this case and considering the importance of the issue, we direct that if an Appeal is instituted by the Petitioner within three weeks from today, after complying with the prescribed formalities, then, such Appeal should be considered on merits without advertng to the issue of limitation. This is because the Petitioner has been pursuing this Petition bona fide before this Court.

5. That Apart, we direct the Tribunal to decide the Petitioner's Appeal and the above referred Godrej Appeal as expeditiously as possible and in any event, on or before 31 December 2025. We are informed that in the Godrej matter, the department has appealed the order which supports the case of the present Petition. However, in this case, a contrary view has been taken. Accordingly, it is in the interest of justice that the controversy involved is settled at the earliest so that the parties know their position. Besides, the Appeal in the Godrej matter has been pending since last four years. Considering all these aspects, we have issued this direction for time bound disposal of both the Appeals.

6. All contentions of all parties on the merits of the matter are explicitly left open. Leave is granted to withdraw this Petition with liberties in the above terms. This Petition is disposed of as withdrawn. No costs. All concerned to act on an authenticated copy of this order.

(Jitendra Jain, J)

(M.S. Sonak, J)