

Sayali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14427 OF 2024

Poseidon Shipping Agency Private Limited ...Petitioner

Versus

Chief Commissioner of Customs General ...Respondent

**SAYALI
DEEPAK
UPASANI**

Digitally signed by
SAYALI DEEPAK
UPASANI

Date: 2025.10.08
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Mr Akshay Kolse Patil, Mr. Abhimanyu Singh i/b Ms. Priyanka Patel Kamat, for Petitioner.

Mr Vijay Kantharia with Mr. Harshad Shingnapurkar Mr. S. Kar, for Respondent Nos. 1 to 5.

Mr. R. V. Pawar with Mr. Amol Bavane i/b Pragnya Legal, for Respondent No. 8.

**CORAM: M.S. Sonak &
Advait M. Sethna, JJ.**

DATED: 07 OCTOBER 2025

ORDER:-

1. Heard learned Counsel for the parties.
2. On 24 September 2025, after hearing the learned Counsel for the parties, we made the following order: -

1. “Mr. Patil, the learned counsel for the Petitioner states that in terms of the affidavit today filed by 4th Respondent, the process of clearing 30 containers belonging to the Petitioner’s principal has already commenced. However, the affidavit does not indicate the timeline within which this process would be completed and the containers returned to the Petitioner.

2. Mr Kantharia submits that the contents must be delivered to the State Level Co-ordinator - Oil Industry, Maharashtra and therefore, the Respondent he represents are unable to make a clear statement about the timeline within which the contents of these 30 containers would be cleared.

3. Accordingly, we direct the impleadment of the State Level Co-ordinator and Oil Industry, Maharashtra as the 8th Respondent. Amendment to be carried out forthwith. Re-verification is dispensed with. Issue notice to the newly impleaded Respondent returnable on **7 October 2025**.

4. The State Level Co-ordinator – Oil Industry is directed to file an affidavit indicating the timeline within which the deliveries could be made by the 4th Respondent so that the contents of the 30 containers are cleared.

5. We are making the above order because, at least prima facie, we believe that the Respondents are not justified in taking their own time to clear the contents of the containers and thereby delay the return of the containers to the Petitioner or their Principals. Additionally, we are not entirely satisfied with the affidavit filed on behalf of the 4th Respondent regarding the inability to provide a timeline for clearing the contents of the containers.

6. Therefore, we once again direct the Commissioner of Customs, i.e., an officer superior in rank to the Deputy Commissioner of Customs to file an affidavit in this matter, if necessary, in consultation with the State Level Co-ordinator – Oil Industry, Maharashtra to indicate the timeline within which the contents of the 30 containers would be cleared and the containers be returned to the Petitioner or their principals.

7. The above affidavits must be filed and served by 3 October 2025 without seeking any extension of time. The Petitioners must take immediate steps to serve the newly impleaded Respondent and file affidavit of service.

8. List the matter on **7 October 2025** for “**Directions.**”

3. In pursuance of our above order, the Commissioner of Customs and the State Coordinator have filed affidavits stating that the 30 containers will be cleared within three to four months and will be returned to the Petitioner.

4. Accordingly, we accept the statements in the affidavits and direct the Respondents to clear the containers within a

maximum period of four months from the date of uploading of this order and return the containers to the Petitioner within the same period.

5. Regarding the balance of 28 containers, the learned Counsel for the parties admit that certain proceedings are pending. Accordingly, we expect these proceedings to be disposed of expeditiously so that a solution can be found to the issue of returning the remaining 28 containers.

6. With the above observations and directions, we dispose of this Petition.

7. All concerned are to act on an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J)