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

WRIT PETITION NO. 8048 OF 2025

Willowood Chemicals Limited ... Petitioner

Versus

Union of India and Others ... Respondents

Mr. AshwinGopakumar i/b Mr. Viraj Hake, for Petitioner.

**Mr. Jitendra B. Mishra with Ashutosh Mishra, Rupesh Dubey,
Umesh Gupta**, for Respondent Nos. 1 to 5.

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

DATED : 20 September 2025

ORDER:-

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to the order-in-original dated 5th November 2024.
3. Against the order-in-original, the Petitioner has a remedy of an Appeal. However, the learned Counsel for the Petitioner states that the impugned order was made based on a checklist. He therefore apprehends that the Petitioner may get no relief from the appellate authority. Secondly, it is contended that the law does not require a registration certificate for the import of insecticides to have any validity period. Once such registration

is granted, it innures forever or until it is cancelled by following the due process of law.

4. He submits that the Petitioner, without prejudice, applied for renewal well within the time prescribed. He states that merely because his application was not disposed of by the time the goods were imported, the Petitioner cannot be faulted for the imports. He pointed out that ultimately the registration was granted, and this is a factor which would persuade us to entertain this Petition.

5. Mr. Mishra submits that there is a dispute whether the registration certificate obtained by the Petitioner post-facto amounts to a renewal or not. There is a serious discrepancy in the numbers. In any event, he submits that as of the date of the import, there was no valid registration certificate. He submits that since the impugned order is appealable, this Court should not entertain this Petition.

6. At this stage, we do not wish to examine the controversy regarding the renewal of the registration certificate or its application to imports made prior to it. Most of the contentions urged by the learned Counsel for the Petitioner relate to the merits, or rather the demerits, of the impugned order. Based on a bald statement that the Appellate Authority will not be able to grant the Petitioner relief because the order-in-original is allegedly based on some checklist, the practice of exhaustion of alternate remedies cannot be departed from.

7. If, in law, the Petitioner is entitled to import, then we see no reason why the appellate remedy would not be an efficacious remedy.

8. Accordingly, on the grounds urged, we are satisfied that no exceptional case has been made out to deviate from the rule or the practice of exhaustion of alternate remedies. In the case of **Oberoai Constructions Ltd Vs Union of India & Ors¹**, we have analysed the precedents on the subject and noted the rising trend of instituting Petitions by-passing alternate remedies provided under the statute. By adopting the reasoning therein and in the precedents referred to therein, we decline to entertain this petition.

9. Accordingly, by leaving all the contentions of all the parties open, including the contentions raised by the Petitioner in this Petition, we dispose of this Petition by granting the Petitioner liberty to appeal the impugned order, should the Petitioner be desirous of doing so.

10. Mr. Ashwin Gopalkumar, the learned Counsel for the Petitioner, submits that the confiscated goods have a limited shelf life and therefore that some directions may be given for expeditious disposal of the appeal or the application for provisional release. Mr. Mishra, learned Counsel for the Respondents, supports this prayer but submits that the appeal filed by the Customs authorities may also be clubbed with the appeal that the Petitioner may file so that both may be disposed of expeditiously.

¹ 2024 SCC OnLine 3508

11. Accordingly, Mr. Gopalkumar states that the Petitioner will file an Appeal within a maximum of four weeks from the date of uploading of this order. If the Appeal is indeed filed during this period, the Appellate Authority is directed to decide the Appeal on merits without adverting to the issue of limitation.

12. Mr Gopalkumar states that the Petitioner will apply for provisional release of confiscated goods and submits that directions may be issued for the disposal of this application.

If such an application is filed, the same should be considered in accordance with the law by the Appellate Authority as expeditiously as possible.

13. This Petition is disposed of in the above terms.

14. No costs. All concerned must act on an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J.)