

Amol

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

WRIT PETITION NO. 299 OF 2025

Vina Ahuja ...Petitioner

Versus

The Commissioner of Customs
Export Drawback XOS Section & Anr ...Respondents

**Mr Tushad Kakalia, with Mr Kumar Kothari, i/b, Vohoman
Legal, for the Petitioner.**

**Mr Jitendra Mishra, with Sangeeta Yadav, for the Respondent
No. 1-Customs.**

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

DATED: 07 July 2025

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PC:-

1. At the request of the learned Counsel for the Petitioner, we grant the Petitioner leave to implead M/s. Variety Garments, which, the learned Counsel for the Petitioner states is in all probabilities a proprietary concern, as the 3rd Respondent in this Petition.
2. Necessary amendment to be carried out within a week after ascertaining particulars. Reverification is dispensed with.
3. After the amendment is carried out issue notices to the Respondents returnable on 28 July 2025.

4. Immediate steps must be taken to effect service on the Respondents. In addition to the usual mode of service, private service/Humdast is allowed. Affidavit of service must be filed.
5. The notices should indicate that subject to constraints of time, an endeavour would be made to dispose of this Petition finally at the admission stage.
6. Mr Mishra waives service on behalf of the 1st Respondent.
7. Considering the allegations in this Petition, the Respondents 1 and 3 to file their replies on or before the next date by giving an advance copy. In particular, the 1st Respondent must file its reply on or before the next date by giving an advance copy.
8. In this case, the Petitioner has pointed out that prima facie she has no concern with the M/s. Variety Garments. It is only on account of the Petitioner's Permanent Account Number (PAN) being wrongly associated with M/s. Variety Garments that amounts from the Petitioner's bank accounts are being recovered for the liabilities incurred by M/s. Variety Garments. Learned Counsel points out that these are obvious errors due to which the Petitioner is suffering. He points out that up to now an amount of Rs. 2.94 Lakhs has been wrongly recovered from the Petitioner's bank account with the 2nd Respondent.
9. Accordingly, until the next date, we restrain the 1st Respondent from recovering any further amounts from the Petitioner's bank account on account of dues payable by M/s. Variety Garments.

10. List the matter on 28 July 2025 for final disposal at the admission stage.

(Jitendra Jain, J)

(M.S. Sonak, J)