

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 4952 OF 2024
WITH
INTERIM APPLICATION (L) NO. 9189 OF 2024
IN
WRIT PETITION NO. 4952 OF 2024

L. Chhotalal & Sons ...Petitioner
Versus
Union of India & Ors ...Respondents

Mr Bharat Raichandani, *with Dhaistha Kawale, i/b UBR Legal Advocates, for the Petitioner.*
Mr SK Halwasia, *with Keshav Thakur, for Respondents Nos. 1 to 3.*

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CORAM M.S. Sonak &
Jitendra Jain, JJ.
DATED: 24th June 2025.

PC:-

1. Heard learned counsel for the parties.
2. On 6th February 2024, a coordinate Bench of this Court, made the following order:

“1. It is the petitioner’s case that the petitioner’s application for a licence for import of watermelon

seeds would stand covered under the Notification dated 8 June 2023, wherein in Appendix II the petitioner is listed at Sr. No.2 alongwith other six actual users. As the petitioner although fully eligible is not being permitted to import the watermelon seeds by issuance of a license, the petitioner has filed this petition praying for a writ to be issued to the respondents to grant to the petitioner the benefit of such allocation.

2. Mr. Raichandani, learned Counsel for the petitioner referring to the reply affidavit as filed on behalf of the respondents, would submit that it appears that the respondents in fact does not have an objection for such approval / licence to be granted to the petitioner, however, the respondents are not doing so in view of an order passed by the Rajasthan High Court at Jodhpur, in the proceedings (SB Civil Writ No.9119 of 2023). Our attention is drawn to an order dated 7 July 2023 passed in such proceeding of the Court which reads thus:-

“Order

07/07/2023

Issue notice to the respondents, returnable within a period of four weeks.

In the meanwhile, provisional allocation titled “Allocation for imports of Watermelon Seeds” (Annexure-2) shall not be finalized without permission of this Court.”

3. It is Mr. Raichandani’s contention that the petitioner in the proceeding before the Rajasthan High Court is not the actual user, who is also not included in the list of six allottees as set out in Annexure II to the notification dated 8 June 2023, in which the petitioner stands included. We are informed that such order dated 7 July 2023 passed by

the Rajasthan High Court continues to operate. It is submitted that the order is an ad-interim order passed while issuing notice and that the department has not taken steps to get the said order vacated. It is submitted that the petitioner is also not impleaded as a party to the said proceedings when an order prejudicially affecting the interest of third parties was sought to be obtained in the said proceedings, which would deprive the benefit of the notification to the persons like the petitioner.

4. Considering the aforesaid peculiar situation, we are of the opinion, that it would be appropriate to accept Mr. Raichandani's contention that it is on account of the orders passed by the Rajasthan High Court, the respondents are not processing/denying the petitioner of an import licence, hence the petitioner can seek an appropriate clarification of the said order passed by the Rajasthan High Court, as also to the effect, whether the order dated 7 July 2023 can be said to apply to the petitioner's case.

5. To enable the petitioner to do so and obtain appropriate orders, stand over to 20 February 2024, with liberty."

3. Mr Raichandani, learned counsel for the Petitioner now places on record a Judgment and Order dated 20th February 2025 disposing of several Writ Petitions in which the interim order dated 7th July 2023 was made. The Petitions have been dismissed, as a consequence of which the interim order dated 7th July 2023 no longer operates.

4. In the Affidavit filed by Mr. H. D. Pandey, Deputy Director General of Foreign Trade in his Petition, the following was stated in paragraph 10:

“10. It is submitted that writ petitions were preferred before the Hon’ble High Court of Judicature of Rajasthan and Hon’ble High Court of Gujarat challenging the impugned provisional allocation for import of watermelon seeds dated 23.06.2023 with reference to Public Notice No. 13/2023 dated 08.06.2002. The Hon’ble High Court of Judicature for Rajasthan vide interim order dated 07.07.2023 stayed the provisional allocation titled “Allocation for imports of Watermelon Seeds and held that allocation shall not be finalized pending the matter before the Hon’ble High Court. Accordingly, applications under Annexure-II of the Minutes of Meeting were issued till the date of this stay order on account of the pending physical verification of their units. Pending applications under Annexure-II are not considered as a stay order was issued by the Hon’ble High Court of Judicature for Rajasthan. The said matter till date remains sub-judice before the Hon’ble High Court of Judicature for Rajasthan. Insofar the application of the petitioner is concerned, physical verification was carried out after the order of the Hon’ble High Court. Hence, no allotment was made.”

5. Thus, from the above it does appear that the Petitioner’s pending application was not considered on account of the interim order dated 7th July 2023 made by the Hon’ble Rajasthan High Court. Now, that the Petitions before the Rajasthan High Court in which the interim order dated 7th July 2023 was passed, have been disposed of and the interim order no longer operates, the Respondents, are directed to dispose of the Petitioner’s pending application for grant of license in accordance with law and on its own merits without constraints by the interim order dated 7th July 2023 which, as pointed out earlier, no longer operates. The concerned

Respondent must decide this matter as expeditiously as possible and in any event within a period of two months from the date of uploading of this order.

6. The Petition and the Interim Application are both disposed of in the above terms without any costs order.

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

(Jitendra Jain, J)

(M. S. Sonak, J)