

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13621 OF 2017

M/s. Mascot International
versus
Union of India & Anr.

..Petitioner

..Respondents

Mr. Prakash Shah i/b. Prompt Legal for Petitioner.
Mr. Pradeep Jetly for Respondents.

**CORAM: S. C. DHARMADHIKARI &
SMT. BHARATI HARISH DANGRE, JJ.**

DATE : 31ST JANUARY, 2018

P. C. :

1] Mr. Shah, learned Advocate for the petitioner says that there are subsequent developments and particularly in view of the judgment of the Hon'ble Supreme Court of India dated 3rd July 2017 in Civil Appeal No. 10483 of 2013 along with connected appeals.

2] Mr. Shah would submit that the matter is now relegated to the adjudicating authority for a decision on the quantum of penalty or otherwise. After that decision is rendered, the petitioner will make a fresh application seeking refund of any amounts due and payable to the petitioner.

3] Presently the petitioner does not wish to press this petition but with the liberty as above, reserved to it.

4] We see no hesitation in granting this relief to the petitioner. The writ petition is disposed of with the liberty reserved to the petitioner to seek appropriate refund in the event the adjudicating authority drops the penalty.

(SMT. BHARATI H. DANGRE, J.)

(S. C. DHARMADHIKARI, J.)

Chandka