

(2016) 01 BOM CK 0187
In the Bombay High Court
Case No : Writ Petition No. 2370 of 2014

K-Lifestyle and Industries Ltd.

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 11-01-2016

Acts Referred:

Citation : (2016) 332 ELT 392

Hon'ble Judges : S.C. Dharmadhikari and G.S. Patel, JJ.

Bench : Division Bench

Advocate : S/Shri Prathamesh Kamat with Swapnendu Kumar Mishra, Advocates, for the Petitioner; Shri Pradeep S. Jetly with Ms. N.V. Masurkar, Advocates, for the Respondent

Final Decision : Allowed

Judgement

1. Heard. Rule.

2. Respondents waive service.

3. We have heard both sides on the point of interim relief. Mr. Kamat places reliance upon the grounds in the writ petition and a judgment of the Division Bench of this Court in the case of Lanvin Synthetics Private Ltd. v. Union of India reported in 2015 (322) E.L.T. 429 (Bom.). Mr. Jetly, appearing on behalf of the Respondents, would submit that a show cause notice dated 3rd August, 1999 was taken up for adjudication and several hearings were held from 2001 to 2006. But in the absence of a clarification from the Joint Director of Foreign Trade, so also the relevant documents from the petitioner, that the same was not concluded and an order passed in furtherance of the show cause notice. That can still be passed and the judgments relied upon have no application.

4. Having admitted the petition and on an arguable question as to how a show cause notice dated 3rd August, 1999 can be allowed to be adjudicated even after more than 15 years from the date of its issuance, we are of the opinion that a case for interim relief is made out.

5. In these circumstances, there will be an interim order restraining the adjudicating authority from taking up and passing any order in furtherance of the show cause notice dated 3rd August, 1999. This order is without prejudice to the rights and contentions of both sides and would operate during the pendency of this petition.