

(2019) 12 GUJ CK 0055
In the Gujarat High Court

Case No : Civil Application (For Modification Orders) No. 1 Of 2019 In R/Special Civil Application No. 6221 Of 2019

M/S ATC Tires Private Limited

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 13-12-2019

Acts Referred:

Citation : (2019) 12 GUJ CK 0055

Hon'ble Judges : J.B.Pardiwala, J;A.C. Rao, J

Bench : Division Bench

Advocate : Chetan K Pandya, Virak K Shah

Judgement

J.B.Pardiwala, J

1. This is an application at the instance of the original writ applicant with the following prayers:Â?

9(A) To allow this application and replace words â??Natural Rubberâ? instaed of â??Natural Rubber Latexâ? in Para 4 of the order dated

27/06/2019 in Special Civil Application No.6221/2019 at AnnexureÂ? A to this application.

(B) To pass any other and further orders as may be deemed fit and proper by this Hon'ble Court.

2. This Court passed the following order dated 27/06/2019 in the Special Civil Application No.6221 of 2019.

1. On 12th June 2019, this Court passed the following order :

Â? â??In response to the notice issued by this Court, Mr.Viral Shah, the learned counsel has appeared on behalf of the respondent Nos.4 and 5.

Considering the subject matter of this petition and the reliefs prayed for, the

contesting respondents would be the Union of India and the respondent No.2 " Director General of Foreign Trade.

Mr.J.V. Niranjana, the learned counsel appearing with Mr.Chetan Pandya, for the petitioner presses hard for the interim relief. Mr.J.V. Niranjana, the

learned counsel brought to the notice of this Court that the very same Notification, which is the subject matter of challenge in this petition, has been

stayed from its operation, implementation and execution by the High Court of Kerala in Writ Petition (Civil) No.33893 of 2018. The learned counsel

places the order passed by the High Court of Kerala on record.

Mr.Niranjana, the learned counsel has travelled all the way from Chennai. The contesting respondents i.e. the respondents Nos.1 and 2 are served.

Mr.Devang Vyas, the Assistant Solicitor General of India is to assist us on behalf of the respondents Nos.1 and 2. However, he has no instructions in

the matter till this date. One last opportunity is given to seek necessary instructions in the matter and file appropriate reply, if at all the respondents

Nos.1 and 2 desire to file. If the respondents Nos.1 and 2 intend to file any reply, the copy of the same shall be furnished to Mr.Chetan Pandya, the

learned counsel for the petitioner well in advance.

The matter is adjourned to 27/06/2019 with a distinct understanding that the same will be heard on merits.??

2. Mr.Viral K. Shah, the learned counsel appearing for the respondent Nos.4 and 5 as well as Mr.Devang Vyas, the learned Assistant Solicitor

General of India, appearing for respondent No.1 have no instruction as on date. None appears, although served with the notice, on behalf of the

respondent Nos.3 and 4.

3. Having heard the learned counsel appearing for the petitioner and having gone through the materials on record, we are of the view that the

petitioner has been able to make out a strong prima facie case to have an interim order in its favour.

4. There will be an interim direction to the respondent No.5 to provisionally permit the petitioner to import natural rubber latex through Hazira Port,

pending consideration of the writ petition.

5. Post this matter for further hearing after two weeks i.e. on 18th July 2019. On the returnable date, notified the matter on top of the board.

Direct service is permitted.

3. By this application, it is prayed that the word "Natural Rubber Latex" figuring in Para 4 of the order referred to above, be replaced with the

word "Natural Rubber". The word "Latex" is to be deleted.

4. The Registry shall carry out the necessary correction in this regard and issue a fresh writ of the order.

Rule is made absolute to the aforesaid extent.