

15-wpst-93074-2020

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION (ST.)NO.93074 OF 2020

Horticulture Produce Exporters
Association & Another ... Petitioners.
v/s.
Union of India & Others ... Respondents

Mr. Darius Shroff, Sr. Advocate with Dr. Sujay Kantawalla, Mr. Anupam Dighe, Ms. Chandni Tanna and Ms. Shrushti Relekar i/b. India Law Alliance, for the Petitioners.

Mr. Anil D. Yadav, for Respondent No.1.

Mr. Anil Singh, ASG with Mr. Pradeep S. Jetly, Sr. Advocate with Mr. J. B. Mishra for the Respondents.

Ms. Neha Bhide 'B' Panel counsel for Respondent No.2-State.

**CORAM: UJJAL BHUYAN &
ABHAY AHUJA, JJ.**

**DATE : 25th SEPTEMBER, 2020.
(THROUGH VIDEO CONFERENCING)**

PC:-

Heard learned Counsel for the parties.

2 Basic grievance of the Petitioners are that their bills for export of onions were prior to issuance of notification dated 14th September, 2020 whereby export of onions has been prohibited; yet those are not being permitted to be exported.

3 Mr. Jetly, learned Sr. Counsel submits on instructions that a decision has been taken by the Respondents to the effect that those consignments of onions which were loaded prior to issuance of the said notification will be allowed to be exported.

4 At this stage, Mr. Shroff, learned Sr. Counsel for the Petitioners submits that the goods of the Petitioners are yet to be loaded. In the meantime, validity of shipping bills will lapse on 26th September, 2020.

5 It appears that the consignments of the Petitioners were with the customs authority prior to issuance of the impugned notification. While we appreciate the decision taken by the Respondents to mitigate the hardship of those exporters where consignments were already loaded for export, we believe that it would be in the interest of justice if the same benefit is extended to the goods of the Petitioners because according to them their consignments were with the customs authority prior to issuance of the notification.

5.1 We expect a decision to be taken expeditiously as admittedly the goods are perishable.

6 Since the matter is before us, we make it clear that the shipping bills prior to issuance of the impugned notification shall not be construed to have lapsed till we decide the matter.

7 Mr. Jetly, learned Sr. Counsel shall obtain instructions from the Respondents and thereafter appraise the Court on the next date.

8 Stand over to 29th September, 2020.

9 This order will be digitally signed by the Private Secretary of this Court. Sheristedar of this Court is permitted to forward to the Petitioner copy of this order by e-mail. All concerned to act on a digitally signed copy of this order.

(ABHAY AHUJA,J.)

(UJJAL BHUYAN,J.)