

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 985 OF 2021
(Arising from SLP(C) No.1097/2021)

UNION OF INDIA & ORS. ...APPELLANT(S)

VERSUS

M/S. RAJ GROW IMPEX LLP & ORS. ...RESPONDENT(S)

O R D E R

1. Leave granted
2. This appeal takes exception to the judgment and order dated 05.01.2021 in Contempt Petition (L) No.9351/2020 in Interim Application (L) No.5735/2020 in Writ Petition (L) No.3502/2020 passed by the High Court of Judicature at Bombay.
3. We have heard learned counsel for the parties.
4. In our opinion, in the peculiar facts of present case, the question of precipitating the matter by way of contempt action does not arise. For, the entire subject matter is pending before this Court. There are conflicting decisions on the same question involved in the writ petition and the appeals pending before this Court.

5. In our opinion, it is not a fit case for initiating contempt action in view of the debatable aspects involved in the proceedings and are still pending before this Court. Hence, this appeal is allowed.

6. Contempt Petition (L) No.9351 of 2020 filed before the High Court shall stand disposed of in terms of this order.

....., J.
(A.M. KHANWILKAR)

....., J.
(DINESH MAHESHWARI)

....., J.
(KRISHNA MURARI)

NEW DELHI
MARCH 18, 2021.

Petition(s) for Special Leave to Appeal (C) No(s).14633-14634/2020

UNION OF INDIA & ORS. **Petitioner(s)**

M/S RAJ GROW IMPEX LLP & ORS. Respondent (s)

WITH
SLP(C) No. 1037/2021 (IX)
IA No. 6042/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 18-03-2021 These matters were called on for hearing today.

For Petitioner(s)

Mr. N. Venkataraman, ASG
Ms. B. Sunita Rao, Adv.
Mr. V. Chandra Shekara Bharathi, Adv.
Mr. Liz Mathew, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. B. Krishna Prasad, AOR
Mr. B. V. Balaram Das, AOR

For Respondent(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Sanjay Bansal, Adv.
Ms. Swati Bansal, Adv.
Ms. Vaishali Gupta, Adv.

Mr. G. K. Bansal, AOR

Mr. Sujay Kantawalla, Adv.

Mr. Samsher Garud, Adv.

Mr. Sandeep Sudhakar Deshmukh, AOR

Ms. Juhi Valia, Adv.

Mr. Buddy A Ranganadhan, Adv.

Mr. A. V. Rangam, AOR

UPON hearing the counsel the Court made the following

O R D E R

SLP(C) No.1097/2021

Leave granted.

The appeal is allowed in terms of the signed order.

All pending applications shall also stand disposed of.

SLP (C) Nos. 14633-14634/2020 and 1037/2021

During the course of hearing, Mr. N. Venkataraman, learned Additional Solicitor General, on instructions, submitted that as the imported goods are perishable items, the Department will have no objection if the importers re-export the stated goods presently lying in the customs warehouse to outside India, upon payment of requisite amount as per the applicable Rules/Regulations. That may extricate them from the action of absolute confiscation. Further, this arrangement be made subject to the outcome of the present proceedings. We place this statement on

record.

In light of the statement, it will be open to the private respondents to opt for re-export of perishable imported goods lying in the customs warehouse to outside India, to avoid absolute confiscation. For, the Department is resolute about not allowing the stated goods, which are subject matter of these proceedings to enter Indian territory at the instance of the importers (respondents). Indeed, that request will have to be considered by the Department as per the extant rules/regulations.

Matters heard in-part.

For further hearing, list these matters on 23rd March, 2021 at the end of the miscellaneous list.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order in SLP © No.1097/2021 is placed on the file)