

Union of India and Others

Vs

Vishnu B. Seernani

Special Leave Petition (Civil) No. 15714 of 1985

(G. L. Oza, V. B. Eradi JJ)

28.01.1987

ORDER

1. After hearing both sides we are not satisfied that this is a fit case for granting special leave. The direction given by the High Court for release of the "stale" and unexportable goods which form the subject matter of the special leave petition, on payment of the duty lawfully leviable thereon, does not suffer from any legal infirmity. We accordingly dismiss this special leave petition. The interim orders passed by this Court directing auction of the goods by the customs department will stand vacated and the High Court's direction for release of the goods to the respondents will be carried out by the petitioners in accordance with the terms of the order of the High Court. The counsel for the respondent made a request that the duty payable on the goods may be permitted to be remitted in installments. We consider this request to be reasonable and we direct that the duty may be paid in three equal installments and as against the payment of each instalment a proportionate quantity of the goods will be released. The parties will bear their respective costs. The contempt petition C.M.P. No. 30550 of 1986 filed by the respondent will stand dismissed as withdrawn.

Court Master.

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