

**IN THE HIGH COURT OF BOMBAY AT GOA  
STAMP NUMBER MAIN NO.1597 OF 2020**

Adani Enterprises Ltd. ... Petitioner  
Versus  
Union of India & Anr. ... Respondents

Mr. H. D. Naik, Advocate for the Petitioner.

Ms. Asha Desai, Senior Standing Counsel for the Respondents.

**Coram:- DIPANKAR DATTA,CJ &  
M. S. SONAK, J**

**Date:- 22<sup>nd</sup> December, 2020**

**P.C.:**

A notice dated 15/07/2008 issued under Section 18(2) of the Customs Act,1962 is under challenge in this writ petition. More than a decade since issuance of the notice having passed, the department(respondent no.2) has now called upon the petitioner to appear for a personal hearing. The interim relief in this writ petition is for a direction upon the respondent no.2 not to take any further steps in this matter till such time the legality and the validity of the notice impugned in this writ petition is examined by the Court.

2. Mr. Naik, learned Advocate appearing for the petitioner has relied on decisions of coordinate Benches of this Court to the effect that once a writ petition is presented before the Court and such Court is seized of the matter, it would be improper for the department to proceed further and to pass a final order in original thereby rendering the writ petition infructuous.

3. Prima facie, we may not be in agreement with the view expressed in such decisions that the department would be precluded from proceeding even though there is no order of restraint passed by the Court while admitting the writ petition or while issuing notice thereon.

4. Be that as it may be, we are of the view that interest of justice would be sufficiently served at this stage if the respondent no.2 is granted the liberty to proceed and the petitioner is also granted liberty to participate in the hearing as may be arranged; however, we restrain the respondent no.2 from giving effect to any final order passed in original, pursuant to such hearing or otherwise, without obtaining the leave of the Court.

5. Ms. Desai, learned Senior Standing Counsel waives notice on behalf of the respondents.

6. The reply filed by the respondents is taken on record. The petitioner shall have time till 11/01/2021 to file his rejoinder affidavit.

7. The writ petition shall be listed on the following working day.

**M. S. SONAK, J**

**CHIEF JUSTICE**