

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1955 OF 2022

UNION OF INDIA & ORS.

APPELLANTS

VERSUS

MUKESH MADHU REGAR

RESPONDENT

WITH

CIVIL APPEAL NO. 1956 OF 2022

CIVIL APPEAL NO. 1960 OF 2022

CIVIL APPEAL NO. 1958 OF 2022

CIVIL APPEAL NO. 1959 OF 2022

CIVIL APPEAL NO. 1957 OF 2022

O R D E R

In all these appeals, the impugned judgment and orders passed by the High Court of Judicature at Bombay passed in respective writ petitions releasing the goods in question provisionally on furnishing a nominal 20% Bank Guarantee of the declared FOB value while releasing the goods in question provisionally is the subject matter of the present appeals.

At the outset, it is required to be noted and it is not in dispute that pursuant to the order passed by this Court on 06.08.2021, the impugned orders passed by the High Court has been stayed by this Court. This Court passed the

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following order on 06.08.2021 -

"Applications for exemption from filing c/c of the impugned judgment are allowed.

Learned ASG submits that there are six matters filed while only two matters are listed today.

We consider appropriate to direct that the other four matters be also taken on Board and tagged along with present petitions.

What persuades us to issue notice is the submission of the learned counsel that in case of the 6 exporters, they have done exports worth Rs. 1,110 Crores over the last five years and not a penny has come into their account. He submits that this is now been extended by the Department on further enquiry to 31 exporters and the value is over Rs. 5000 crores without a penny coming into their account. The submission is that these are only funds for Hawala operators and later on it become impossible to get to the transaction in question.

Issue notice in all six matters.

Learned counsel for the respondent accepts notice in SLP(C) No.11273/2021.

In the meantime, the operation of the impugned order(s) is stayed.

List all the matters after six weeks."

It is reported that during the pendency of the present proceedings and pursuant to the liberty reserved by this Court vide order dated 19.04.2022, the show cause notices were issued and the Department was permitted to complete the investigation within a period of 60 days. The order dated 19.04.2022 reads as under-

"On hearing learned counsels, we issue the

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following directions:-

a) We permit the petitioner to complete investigation within a period of 60 days as prayed for;

b) The petitioner will be entitled to issue show cause notice, if deemed proper post investigation within a period of 30 days thereafter;

c) If such a show cause notice is issued, the respondent will respond to the same within a period of two weeks of the receipt of the show cause notice;

d) The petitioner/authorities will adjudicate on the show cause notice within a maximum period of 30 days of the reply being filed.

The result of the aforesaid proceedings be placed before us by an affidavit before the next date.

List for directions on 17.08.2022."

It is reported that thereafter the adjudication proceedings has been culminated and final order has been passed against which the respondents have preferred the writ petitions before the High Court.

In view of the above and now the final order has been passed by the Department confiscating the goods in question which were ordered to be released provisionally, the impugned judgment and orders passed by the High Court is not required to be given effect to and the parties shall have to be governed by the decisions that may be taken by the higher Court/forum.

In view of the above, the impugned judgment and orders

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passed by the High Court are hereby quashed and set aside. The proceedings against the final order of confiscation etc. shall have to be decided and disposed in accordance with law and on its own merits.

With this, the present appeals stands disposed of.

However, it is observed and clarified that we have not expressed anything on merits whether against the order of adjudication the writ petition before the High Court shall be maintainable and/or is required to be entertained or not in view of the statutory remedy of appeal available before the Appellate forum. As and when such issue is raised before the High Court, the same be considered by the High Court in accordance with law and on its own merits.

.....J.
[M.R. SHAH]

.....J.
[M.M. SUNDRESH]

NEW DELHI
OCTOBER 18, 2022

ITEM NO.5

COURT NO.5

SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 1955/2022

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

MUKESH MADHU REGAR

Respondent(s)

(IA No. 117721/2021 - INTERVENTION APPLICATION)

WITH

C.A. No. 1956/2022 (III)

(FOR ADMISSION and I.R. and IA No.86760/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 1960/2022 (III)

(FOR ADMISSION and I.R. and IA No.99446/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 1958/2022 (III)

(FOR ADMISSION and I.R. and IA No.92465/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 1959/2022 (III)

(FOR ADMISSION and I.R. and IA No.94621/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 1957/2022 (III)

(IA No.87275/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 18-10-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s)

Mr. N. Venkataraman , ASG

Ms. Preeti Rani, Adv.

Mr. V.C Bharathi, Adv.

Mr. Tejas Patel , Adv.

Mr. Shashank Shekhar, Adv

Mr. Mukesh Kumar Maroria, AOR

For Respondent(s)

Mr. Anand S. Jandhale, Adv.

Ms. Medha Jandhale, Adv.

Mr. Raj Jandhale, Adv.

Ms. Rajnandini Jandhale, Adv.

Mr. Sunil Prem Lalla, Adv.

Contd..

Mr. Azmat Hayat Amanullah, AOR

Mr. Satish Pandey, AOR

Ms. Aneeta Katariya, Adv.

Mr. Harsh Katariya, Adv.

Mr. Kailas Bajirao Autade, AOR

UPON hearing the counsel the Court made the following

O R D E R

The present appeals stand disposed of in terms of the
signed order.

Pending applications including the application for
intervention shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(signed order is placed on the file)