

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 1168 OF 2022**

M/s. Bora Mobility )...Petitioner  
V/s.  
Union of India and Others )...Respondents

Mr.Bharat Raichandani a/w. Mr. Rishabh Jain i/b. UBR Legal Advocates, Advocate for the Petitioner.

Mrs. Shruti D. Vyas "B" Panel Counsel for the Respondent No.2-State.

Smt. Shehnaz Bharucha a/w. Ms. Sangeeta Yadav, Advocate for the Respondent No.5.

**CORAM : NITIN JAMDAR AND  
ABHAY AHUJA, JJ.**

**DATE : 8 FEBRUARY 2023**

**P.C.**

Heard the learned Counsel for the parties.

2 This Petition is pending for more than a year on a simple issue as to who is the Proper Authority to decide the

Petitioner's case / claim. According to the reply affidavit filed by the Deputy Commissioner of Customs – Respondent no.5, it is the Respondent no.4 who is the authority. The learned Counsel for the Petitioner states that exactly contrary stand is taken by the Respondent no.4. We disapprove of such stands taken by the officers of the Government leading to needless waste of judicial time and harassment to the citizens.

3 We direct that Respondents no.4 and 5 would co-ordinate with each other, decide about forum and inform the Court on the next date through a joint note as to who is the correct authority to decide the Petitioner's claim. If not done, the Court would be constrained to call the officers to the Court to explain the position.

4 Stand over to 8 March 2023. To be listed under the caption "For Directions".

**(ABHAY AHUJA, J.)**

**(NITIN JAMDAR, J.)**