

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7108 of 2026**

=====

LANXESS BELGIUM N.V.

Versus

THE UNION OF INDIA & ORS.

=====

Appearance:

MR MIHIR JOSHI, SENIOR ADVOCATE WITH MS MRINAL BHATNAGAR,
MR TANAY VYAS AND MR SAREEN GUPTA, for the Petitioner(s) No. 1
MR PARTH MEHTA AND MR ANKIT SHAH, FOR
MR PRADIP D BHATE(1523) for the Respondent(s) No. 1,2
MR S.N. SOPARKAR, SENIOR ADVOCATE and MR RAJESH SHARMA,
MS GARGI R VYAS AND MS SALONI JAIN for the Respondent(s) No. 3

=====

CORAM: **HONOURABLE MR. JUSTICE A.S. SUPEHIA**

and

HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 08/05/2026****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. **Notice** returnable on **15.06.2026**. Learned advocates waive service of notice for and on behalf of the respective respondents.

2. At the outset, learned Senior Advocate Mr.Soparkar has submitted that the present writ petition is not maintainable as the petitioners have alternative remedy to file an appeal before the appropriate forum. He has referred to the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 more particularly, Rule 18, which mentions about levy of duties and has submitted that as on today, the Government has not issued any notification. Further, reference is made by him to the provisions of Section 9-C of the Customs

Tariff Act, 1975 read with the Finance Act, 2023 substituting the aforesaid provision of section 9-C and has submitted that the writ petition may not be entertained. Learned Senior Advocate Mr.Soparkar has also submitted that the present order may not restrain the Central Government in any manner from issuing notification.

3. Looking to the aforesaid submissions and in the interest of the respective parties, we clarify that pendency of this writ petition and issuance of notice may not be construed in a manner to defer the proceedings pending in any forum by any of the parties. The forum may continue with the proceedings. We further clarify that we are not restricting the Government in proceeding in accordance with law. The issue of maintainability of the writ petition is left open.

Sd/-
(A. S. SUPEHIA, J)

Sd/-
(MAULIK J.SHELAT,J)

MAHESH/09