

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 11637 of 2020

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M/S SHABNAM PETROFILS PVT. LTD. & ANR.

Versus

UNION OF INDIA & ORS.

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Appearance:

MR HASIT DAVE(1321) for the Petitioner(s) No. 1,2

DEEPAK N KHANCHANDANI(7781) for the Respondent(s) No. 2,3,4

PRIYANK P LODHA(7852) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE A.S. SUPEHIA

and

HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 02/09/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)

1. When the matter is called out, learned advocate Mr.Hasit Dave appearing for the petitioner is not present.

2. Learned Senior Standing Counsel Mr.Deepak N. Khanchandani has submitted that after the writ petition was filed, the CESTAT has already passed an order on 15.10.2024. The proceedings are also referred by the Coordinate Bench, while passing the order dated 24.02.2022, relevant paragraphs 8 to 10 reads thus:

“8. Mr. Deven Parikh, the learned senior counsel assisted by Mr. Hasit Dave, the learned advocate appearing for the writ applicants pointed out that the aforesaid order-in-original passed by the Commissioner, Surat is now a subject matter of challenge before the Tribunal in appeal.

9. Thus, the picture that emerges as on date is that on one hand, the writ applicants want to question the legality and validity of the decision taken by the Designated Committee to reject the declaration under the scheme and on the other hand, there is an appeal filed by the writ applicants against the order in original passed by the Commissioner, Surat.

10. We are of the view that we should allow the Tribunal to proceed with the hearing of the appeal and decide the same on its own merits. We request the Tribunal to give some priority to the appeal filed by the writ applicants and see to it that the same is disposed of expeditiously.”

3. Thus it appears that petitioner is not interested in pursuing the matter.

4. In view of above, the present writ petition is ***dismissed*** for non-prosecution.

5. If any application for restoration is filed, the same shall contain the affidavit of the petitioner, *inter alia*, pointing out that the cause of action still survives or not.

(A. S. SUPEHIA, J)

(VAIBHAVI D. NANAVATI, J)

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