



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 5299 OF 2025

M/s Metalwell Trading Company Limited through POA Holder namely Naresh  
Kumar Gupta

**Versus**

Commissioner of Customs, Nagpur and another

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri Bharat Raichandani Advocate h/f Shri S.S.Malode, Advocate for the petitioner.  
Mrs. Ketki Jaltare Vaidya, Advocate for the respondent.

**CORAM : URMILA JOSHI-PHALKE &  
NIVEDITA P. MEHTA, JJ.**

**DATED : 17<sup>th</sup> APRIL, 2026.**

By this petition, the petitioner is seeking various reliefs including direction in the nature of mandamus by directing the respondent to quash and set aside the impugned order in original No. 03/AT/C/CUS/2025 dated 03.06.2025.

2. During the pendency of this petition, the learned Tribunal has passed the order and directed to allow the appeal of the importer without impleading the present petitioner as a party. The department has already decided to challenge the said order which was passed in original No. 03/AT/C/CUS/2025 before the Hon'ble Apex Court and the proposal is already sent to that effect.

3. Learned counsel for the petitioner submitted that as goods are in the custody of the respondent no.1 and if they have handed over the same to somebody else then there would be possibility of multiplicity of the proceedings. In view that, the respondent no.1 be directed to maintain the status quo.

4. Considering the change of circumstance that in the absence of the petitioner, the learned Tribunal has passed the order and the said order is also against the respondent no.1 and the respondent no.1 has already sent a proposal to challenge the same before the Hon'ble Apex Court. In the meantime, if any action is taken by the respondent no.1 to hand over the goods to the importer then the multiplicity of the proceedings will be there. In that view of the matter, the parties are directed to maintain the status-quo till next date.
5. Learned counsel for the petitioner is permitted to file the rejoinder.
6. List the matter for further consideration on **19.06.2026**.

[JUDGE]

[JUDGE]