

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
OS-WP-LD-VC-69 OF 2020**

Samir Patel ... Petitioner
versus
Commissioner of Customs and Ors. ... Respondents

**CORAM: S.J. KATHAWALLA &
N.R.BORKAR, JJ.**

DATE: 16th JUNE, 2020

P.C.:

1. Not on board. Upon mentioning, taken on board.
2. The abovenamed Petitioner, has through his Advocate circulated a praecipe for urgent reliefs at 4.30 p.m., stating that in December, 2016, the Petitioner was diagnosed with oral cancer and due to remedial surgical operations, his intake of food/nutrients is only possible through a feeding tube. The feeding tubes are required to be imported from time to time from USA. The Petitioner has imported four boxes of such feeding tubes labelled "Osmolite Nutrio N-Food for Tube Feeding Patient" from USA through DHL (Courier Agency) under AWB No.6092361590. The Assistant Commissioner of Customs, Air Cargo Complex, Sahar, Andheri (E), Mumbai - 400 099 has however withheld the said packets on grounds which are unclear to the Petitioner. The said feeding tubes are not available in India and there is also no

alternative available. The Petitioner has stock of the feeding tubes which will last only for a very few days. In view thereof, Respondents shall remain present before this Court on 18th June, 2020 by themselves and/or through their Advocates and explain the difficulty in releasing the packets containing feeding tubes. A copy of this order shall be forthwith forwarded to Mr. Pradeep Jetly, Senior Advocate, who regularly appears in custom matters before this Court.

2. Stand over to 18th June, 2020 at 11.00 a.m.
3. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(N.R.BORKAR, J.)

(S.J.KATHAWALLA, J.)