

(2016) 08 SC CK 0236

In the Supreme Court Of India

Case No : Petition for Special Leave to Appeal (C) No. 30923 of 2011 with SLP (C) No. 30922 of 2011

CFS Assn. of India

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 29-08-2016

Acts Referred:

Citation : (2016) 339 ELT 337

Hon'ble Judges : Jagdish Singh Khehar and Uday Umesh Lalit, JJ.

Bench : Division Bench

Advocate : Shri Kavin Gulati, Senior Advocate, Somnath Shukla, Udit Jain and Praveen Kumar, Advocates, for the Petitioner; Shri P.S. Narasimha, ASG, Arijit Prasad, B.K. Prasad, Arvind Kumar Sharma, Ms. Asha Gopalan Nair and M.K. Maroria, Advocates, for the Respondent

Final Decision : Disposed Of

Judgement

1. This Court passed the following Motion Bench order on 5-7-2016 :

"Learned counsel for the petitioner has invited our attention to the report of the Technical Committee, constituted for making recommendations on the maintenance of minimum distance between hazardous cargo and general cargo, as well as, between hazardous cargo and administrative buildings in the customs area. It was pointed out by learned counsel for the petitioner, that while express recommendations have been made with reference to the distance between hazardous cargo and administrative buildings in the customs area, no concrete determination has been rendered with reference to the minimum distance required to be maintained between hazardous cargo and general cargo.

Learned counsel for the respondent-Union of India states, that the aforesaid mistake has occurred on account of oversight, and that, a clarification will be recorded on the above aspect of the matter, by the Technical Committee, within four weeks from today.

Let the clarification recorded by the Technical Committee be placed on the record of this Court within four weeks from today.

Post thereafter."

2. On the last date of hearing i.e., on 22-6-2016, the learned Additional Solicitor General appearing on behalf of the Union of India was granted a week's time so as to enable him to obtain final instructions in the matter. Today the learned Additional Solicitor General has handed over to us, Circular No. 40/2016-Customs, dated 26-6-2016. Circular No. 40/2016-Customs, dated 26-6-2016 is taken on record and marked as Annexure A.

3. It is the submission of the learned Additional Solicitor General, that the above Circular No. 40, is the clarification sought by this Court, vide Motion Bench order dated 5-7-2016.

4. It is submitted, that the aforesaid Circular No. 40/2016-Customs may be treated as laying down the prescribed guidelines, for safety and security, across the Board, for maintaining distance, between hazardous cargo and general cargo, as also, hazardous cargo and administrative buildings in the customs area, and elsewhere, subject to one overriding condition, that the same would be subject to any statutory provision(s) expressly provided for the distance to be maintained in such matters.

5. The instant petitions are accordingly disposed of with the aforesaid clarification, recorded at the behest of the learned Additional Solicitor General.

6. The application for intervention is disposed of accordingly.

7. Pending applications, if any, stand disposed of.