

(2015) 02 DEL CK 0377

In the Delhi High Court

Case No : Writ Petition (C) No. 1007 of 2015 and C.M. No. 1776 of 2015

D.K. Jain

APPELLANT

Vs

Commissioner of Customs

RESPONDENT

Date of Decision : 03-02-2015

Acts Referred:

Citation : (2015) 319 ELT 639

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : Shikha Sapra, for the Appellant; Kamal Nijhawan, SC and Sumit Gaur, Advocates for the Respondent

Judgement

Rajiv Shakdher, J.

1. C.M. No. 1776/2015 (Exemption): Allowed subject to just exceptions.

WP(C) 1007/2015

Issue notice.

2. Mr. Nijhawan accepts notice on behalf of the respondent. He waives service of notice. He says that in view of the direction that I propose to pass, he does not wish to file a counter affidavit.

3. Briefly, the grievance of the petitioner, is that, detention certificates have not been issued, at least, for some part of the consignment of goods, imported by him.

3.1 It appears, the petitioner had imported ferrite ring magnets, in respect of which nine (9) bills of entries were filed. The goods in issue were imported in 21 containers. This import was carried out between February and April, 2010.

4. Pursuant to directions of the Directorate of Revenue Intelligence (DRI), examination of petitioner's consignment was carried out on 1-2-2010. As a consequence, consignments were held back. It appears, that on 8-4-2010, seven

(7) containers were cleared by the DRI, and, accordingly, detention certificates were issued by the respondent.

5. The petitioner states that he has been issued a detention certificate dated 12-4-2012 for the aforementioned seven (7) containers only. The petitioner's grievance, is that, though a request was made, detention certificate was not issued qua five (5) bills of entries, relatable to ten (10) containers; the details with respect to which are given in paragraph 15 of the writ petition.

6. It is the petitioner's case that because the said detention certificates are not issued, demurrage and rent was incurred.

6.1. It is, therefore, the submission of the learned counsel for the petitioner that charges incurred towards demurrage and rent have to be recovered from the CONCOR, for which purpose, detention certificates are required qua the ten (10) containers, referred to in paragraph 15 of the petition.

7. In view of the above, the respondent is directed to act in accordance with regulations pertaining to matter in issue, i.e., Handling of Cargo in Customs Area Regulations, 2009. Let the needful be done, as expeditiously as possible, though not later than three weeks from today. The writ petition is, accordingly, disposed of. Dasti.