(2021) 03 KL CK 0347

In the High Court Of Kerala

Case No : Writ Petition (C) No. 8071 Of 2021

Jennis K.L — APPELLANT

Vs

Commissioner Customs Preventive Commissionerate And Ors — RESPONDENT

Date of Decision : 29-03-2021

Acts Referred:
Customs Act, 1962 — Section 110(A)

Citation : (2021) 03 KL CK 0347

Hon'ble Judges : A.M. Badar, J

Bench : Single Bench

Advocate : Rajit

Final Decision : Disposed Of

Judgement

1. Heard the learned counsel for the petitioner at sufficient length of time. Though the learned counsel for the petitioner has sought to demonstrate the entire action taken by the respondent which is impugned in the instant petition as illegal, the learned counsel for the respondents no. 1 and 2 who has appeared before this Court by taking notice submits that the petitioner has alternate and most efficacious remedy of getting the goods released provisionally. The learned counsel for the petitioner submits that the petitioner has already preferred such application under Section 110A of the Customs Act, 1962 before the 1st respondent on 16.03.2021, but the same is not considered by the 1st respondent as of date.

2. Considering the fact that the learned counsel appearing for respondent nos. 1 and 2 submits that the petitioner has alternate and most efficacious remedy prescribed by Section 110A of the Customs Act, 1962 and as the said application Ext.P15 is pending consideration of the 1st respondent right from 16.03.2021, the petition is disposed of with the following direction:

The 1st respondent is directed to decide the pending application under Section 110A of the Customs Act, 1962 (Ext.P15 of the petition) on or before

02.04.2021. The petitioner is directed to appear before the 1st respondent for the purpose of hearing on the application at Ext.P15 at 11.30 am on 30.03.2021 and then to further abide by the directions of the 1st respondent. The parties to act on authenticated copy of this judgment. The learned standing counsel appearing for respondent nos. 1 and 2 to intimate about this judgment to the 1st respondent for compliance.