

(2020) 01 DEL CK 0633

In the Delhi High Court

Case No : Civil Writ Petition No. 2597 Of 2019

M/S Rikon Impex

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 17-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0633

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; C. Hari Shankar, J

Bench : Division Bench

Advocate : Amrita Joshi, Prerana Agarwal, Amit Mahajan, Gitesh Chopra, Satish Aggarwala, Gagan Vaswani, Amit Bansal, Vipasha Mishra

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

1. This so called Public Interest Litigation has been preferred with the following prayers:

"a) Pass an appropriate writ/order/direction of mandamus or a writ/order/direction in the nature of mandamus directing the officials of the Respondent no. 3 and 4 for the release of the consignment goods imported vide BoE No.2909232 dated 19.08.2017 from the ACC Export Shed for purposes of re-export;

b) Pass an appropriate writ/order/direction of mandamus or a writ/order/direction in the nature of mandamus to the concerned officials with respect to the grant of waiver of demurrages levied upon the Petitioner, if any;

c) Pass an appropriate writ/order/direction to provide monetary compensation in the form of "exemplary damages" to be awarded in favor of the Petitioner for the financial and business losses suffered due to prolonged illegal detention of goods by the Respondents, and/or

(d) Issue suitable directions, orders as are deemed necessary in the facts and circumstances of the case."

2. Having heard the counsel for both the sides and looking to the facts and circumstances of the case, it appears that the Order-In-Original has already been passed by the concerned authority. Re-export of the goods in question have already been permitted. Moreover, as submitted by the counsel for respondent that vide communication dated 15th October, 2019 which is Annexure-A to the counter filed by respondent No.4, this petitioner has already been communicated that NOC is granted for re-export of the goods in question. Thus, the main grievance ventilated in this writ petition about the re-export of the goods in question has already been granted by the respondent No.4.

3. As regards the grievance of the petitioner about waiver of demurrages is concerned, this Court has passed a detailed judgment dated 20th December, 2019 in W.P.(C) 7577/2019 M/s Global Impex Through Its Partner v. Manager, Celebi Import Shed and Anr. holding therein that the demurrages are bound to be paid by the petitioner in accordance with law. Accordingly, this petitioner is bound to make the payment of demurrages.

Hence, we see no reason to entertain this writ petition for waiver of the demurrages. The law is explicitly clear about the demurrages as stated in our judgment in M/s Global Impex Through Its Partner v. Manager, Celebi Import Shed and Anr. in W.P.(C) 7577/2019 dated 20th December, 2019.

4. With the aforesaid observation, this writ petition is hereby disposed of.

C.M. No. 12071/2019 (Stay)

5. In view of the final order passed in W.P.(C) 2597/2019, this application stands disposed of as infructuous.