
(2016) 07 P&H CK 0194

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 20643 of 2015 (O&M)

Pacific Commercial Co.

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 29-07-2016

Acts Referred:

Citation : (2016) 340 ELT 641

Hon'ble Judges : Rajesh Bindal and Harinder Singh Sidhu, JJ.

Bench : Division Bench

Advocate : Shri Jagmohan Bansal, Advocate, for the Petitioner; Shri Sharan Sethi, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Rajesh Bindal, J. - The petitioner approached this court with a grievance that the consignment of cosmetic goods imported by him was detained

by the Customs Authorities on 16-3-2011 and the same is still lying at the port.

2. The goods are perishable. First show cause notice was issued to the petitioner on 15-3-2012. Immediately, thereafter, on 21-4-2012, the

petitioner requested the Authorities to dispose of the goods being perishable. No action has been taken thereon till date. The prayer in the writ

petition is for direction to the Authorities to either dispose of the goods or to decide the application of the petitioner.

3. It is further submitted that as per the petitioner, the declared value of the goods is Rs. 15.92 lacs. However, the Authorities assessed the same

for more than Rs. 27 crores. Learned Counsel further submitted that in the opinion of the Director of the Revenue Intelligence, except the goods

for the value of Rs. 11,65,262.50 the other goods cannot be permitted to be

imported being in violation of the Intellectual Property Rights

(Imported Goods) Enforcement Rules, 2007.

4. Learned Counsel for respondent No. 2 submitted that as the goods were to be got tested to find out its genuineness with the brand

manufacturers in the country, they were to be heard. It took time to dispose of the application. However, he stated that the notice issued to the

petitioner shall be disposed of within shortest possible time and a decision on the application filed by the petitioner for disposing of the goods shall

also be taken.

5. After hearing learned Counsel for the parties, in our opinion, the present petition can be disposed of, at this stage, with direction to respondent

No. 2 to dispose of the application filed by the petitioner for disposal of the seized goods, which according to the petitioner, have already expired

and further to dispose of the show cause notice issued on 15-3-2012.

6. Ordered accordingly. The needful shall be done within four weeks from the date of receipt of certified copy of this order.

7. Petition stands disposed of accordingly.