

(2019) 12 DEL CK 0349

In the Delhi High Court

Case No : Civil Writ Petition No. 13228 Of 2019, Civil Miscellaneous Application No. 53810 Of 2019

Sparsh Impex

APPELLANT

Vs

Directorate Of Revenue Intelligence, Delhi Zonal Unit

RESPONDENT

Date of Decision : 16-12-2019

Acts Referred:

Citation : (2019) 12 DEL CK 0349

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

Bench : Division Bench

Advocate : Pradeep Jain, Shubhankar Jha, Satish Aggarwala, Gagan Vaswani

Final Decision : Dismissed

Judgement

D.N. Patel, CJ

CM APPL. 53810/2019 (Exemption)

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 13228/2019

1. This petition has been preferred with the following prayers:

"(i) To issue a writ of mandamus order direction thereby directing the respondent to issue no objection certificate qua the goods covered under bill of entry no. 5883458 dt. 29.11.2019 & 6004094 dt. 9.12.2019:

(ii) Alternatively, this Hon'ble Court may please to issue direction to the respondent office to grant provisional release of the goods covered under bill of entry no. 5883458 dt. 29.11.2019 & 6004094 dt. 9.12.2019

(iii) To issue detention certificate in favour of the Petitioner towards demurrages charges; and

(iv) To pass such other or further order which this Hon'ble Court may deem fit and proper in the interest of justice."

2. Looking to the facts and circumstances of the case, it appears that, as per submissions of the petitioner, the goods in question are bed sheets, imported from China, whereas as per submission of the respondent-DRI, since there was a mis-declaration about the value and classification of the goods in the Bill of Entry No. 5883458 dated 29th November, 2019 and No. 6004094 dated 9th December, 2019, therefore, the goods in question have been held up.

3. Having heard learned counsel for both sides and looking to the facts and circumstances of the case, it appears that since the DRI DZU is still investigating, the goods in question and a show cause notice is yet to be issued, we cannot entertain this petition at this pre-mature stage.

4. The respondents have all powers, jurisdiction and authority to issue show cause notice within a period of six months and therefore, we see no reason to entertain this writ petition, at this stage.

5. As and when any application for provisional release of goods is preferred by the petitioner before the respondent, the same will be decided by the respondent in accordance with law, rules, regulation and Government policy, as applicable to the facts and circumstances of the case.

6. With these observations, this writ petition is hereby dismissed.