

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13382 of 2014

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1. M/s Overseas Enterprises, 2263, 1st Floor, Room No. 11, Gali Raghunandan, Naya Bazar, Delhi 110063, through its partner Kalu Ram Kundlia
 2. Kalu Ram Kundlia son of Shri Sumer Mal Kundlia, G-50, Kirti Nagar, New Delhi 110015

.... Petitioner/s

Versus

1. The Union of India through the Chief Commissioner of Customs (Preventive), Patna Zone, 4th Floor, Central Revenue Building, Birchand Patel Patna, Patna
2. The Commissioner of Customs (Preventive), Customs Head Quarters, 5th Floor, Central Revenue Building, Birchand Patel Path, Patna
3. The Additional Commissioner of Customs (Adjudication), Customs Head Quarters, 5th Floor, Central Revenue Building, Birchand Patel Path, Patna
4. The Assistant Commissioner of Customs (Preventive), Customs Head Quarters, 5th Floor, Central Revenue Building, Birchand Patel Path, Patna
5. The Superintendent of Customs (Preventive), Office of Commissioner Customs, 5th Floor, Central Revenue Building, Birchand Patel Path, Patna
6. The Superintendent of Customs (Adjudication), Customs Head Quarters, 5th Floor, Central Revenue Building, Birchand Patel Path, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Adv
For the Customs Department : Mrs. Nivedita Nirvikar, Adv
Mrs. Archana Meenakshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

CAV JUDGMENT

Date: 30.11.2015

Heard learned counsel for the parties.

2. When this case was filed on 05.08.2014, the prayer of the petitioners had read as follows:-

“That the petitioners by way of the present writ petition are seeking a writ of mandamus and/or any other appropriate writ or direction to the Respondents to release the seized goods (split betel nuts) of the petitioners imported vide Bill of Entry No.

01210/16/2013 dated 28.01.2013 weighing 15.470 MT which have been illegally and unauthorizedly withheld by the Respondents despite the proceedings initiated against the petitioners in respect of the said goods for the charge of its illegal import has been dropped by the Adjudicating authority and there is a specific direction for release of the seized goods vide order dated 28.03.2013."

(underlining for emphasis)

3. The facts giving rise to the aforesaid underlined prayer in this writ application lie in a very narrow compass. It is the case of the petitioners that they had imported 15.470 MT of processed betel nuts from Bangladesh through Land Customs Station, Petrapole under a valid bill of entry dated 28.01.2013. It is also claimed that upon clearance of payment of the prescribed amount of import duty, the goods imported by the petitioners were examined and after assessment and clearance of the goods, they were loaded in West Bengal registered vehicles and were brought to a place Bangaon by these trucks from where the goods were transferred/loaded to the trucks provided by the Transporter M/s SRC India Movers enroute to their business premises at New Delhi. The petitioners, in this regard, have also asserted that the goods, namely, betel nuts imported by them, were also got tested and nothing spurious was found in the test report of the Export Inspection Agency at Kolkata.

4. It is the further case of the petitioners that while transporting the betel nuts from Bangaon to its destination at New Delhi, its one of the consignment by Truck No HR46C3697 was intercepted on 16.02.2013 and seized by the officers of the Customs

