

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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

Date of Decision: July 29, 2016

M/s Pacific Commercial Company
Versus

...Petitioner

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Jagmohan Bansal, Advocate
for the petitioner.

Mr.Sharan Sethi, Advocate
for respondent No.2.

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.

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.

It is further submitted that as per the petitioner, the declared value of the goods is ₹15.92 lacs. However, the Authorities assessed the same for more than ₹27 crores. Learned counsel further submitted that in the opinion of the Director of the Revenue Intelligence, except the goods for

the value of ₹11,65,262.50 paise, the other goods cannot be permitted to be imported being in violation of the Intellectual Property Rights (Imported goods) Enforcement Rules, 2007.

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.

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.

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

Petition stands disposed of accordingly.

(RAJESH BINDAL)
JUDGE

July 29, 2016

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(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned : Yes/ No

Whether reportable : Yes/ No