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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2320/2016 & CM APPL. 10017/2016

RAMESH KUMAR

..... Petitioner

Through

Mr. Umang Srivastava, Advocate

versus

COMMISSIONER OF CUSTOMS Respondent

Through

Mr. Kamal Nijhawan, Sr. Standing
Counsel with Mr. Sumit Gaur,
Advocate**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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18.03.2016

Present writ petition has been filed seeking a direction to respondent to release the bank guarantee of Rs.43,27,338/- furnished by the petitioner at the time of provisional release of goods.

It has been averred that petitioner imported a consignment of miscellaneous goods on 27th August, 2015 and the same was seized by the respondent suspecting mis-declaration and under-invoicing under Panchnama dated 30th April, 2014. It has been further averred that the seized goods were released on the payment of duty amounting to Rs.1,74,52,066/-, execution of bond for Rs.86,54,676/- and bank guarantee for Rs.43,27,338/-.

Learned counsel for petitioner states that petitioner subsequently filed a settlement application before Customs and Central Excise Settlement

Commission and the case was settled under Section 127C (5) of the Customs Act, 1962 whereby it was directed that after payment of fine and penalty by the petitioner, the bond and the bank guarantee shall be released.

Learned counsel for petitioner states that despite depositing the fine and penalty vide TR-6 challan dated 12th October, 2015, the respondent has not released the bond and bank guarantee of the petitioner till date. He further states that though petitioner has made representations dated 23rd October, 2015, 09th December, 2015 and 16th January, 2016, yet respondent has not released the bond and the bank guarantee.

Learned senior standing counsel for respondent, who appears on advance notice, states that he is not sure whether any writ petition has been filed challenging the orders of the Customs and Central Excise Settlement Commission.

However, this Court is of the view that the said lack of information should not lead to an adjournment as this Court only intends to direct the respondent to dispose of petitioner's representation dated 9th December, 2015 by way of a speaking order within one week. Ordered accordingly.

With the aforesaid observations and direction, present writ petition and application stand disposed of.

Order dasti under signature of Court Master.

MANMOHAN, J

MARCH 18, 2016

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