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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3149/2016

GOPAL ASSOCIATES

..... Petitioner

Through: Mr. Shobhakar Jha with
Mr. Vikas Sareen, Advocates.

versus

COMMISSIONER OF CUSTOMS INLAND

CONTAINER DEPOT, TUGHLAKABAD & ANR .. Respondents

Through: Mr. Satish Kumar, Senior
Standing counsel.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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08.04.2016

CM APPL 13486/2016 (for exemption)

1. Allowed subject to all just exceptions.

WP (C) 3149/2016

2. Notice. Mr. Satish Kumar, learned Senior standing counsel accepts notice on behalf of the Respondents.

3. The grievance of the Petitioner is that having presented the bill of entry ('B/E') for clearance of the consignments imported from Sri Lanka on 23rd January 2016, 2nd February 2016, and 16th February 2016 respectively, till date neither the provisional assessment permitting provisional release of the imported goods nor final assessment order has been passed by the Customs Department.

4. Mr. Satish Kumar, learned Senior standing counsel for the Respondents on the other hand states that it is for the Petitioner to satisfy the Department that the goods in question are in fact of Sri Lankan Origin. He draws the attention of the Court to the examination check list issued to the officers of the Customs Department while clearing the goods. According to him, the Petitioner is not coming forward to produce the requisite documents to satisfy the requirements.

5. According to the Petitioner, although the Petitioner has produced the necessary documents as well as the confirmation letters issued by the Government of Sri Lanka, no order has been passed by the Respondents till date.

6. In the circumstances, it is directed that the authorized representative of the Petitioner will appear before the concerned Deputy Commissioner of Customs with the B/Es, bearing Nos. 4011262 dated 23rd January 2016, 4122641 dated 2nd February 2016, 4274352 and 4275074 both dated 16th February 2016 with all the necessary documents. After examining the said documents, and seeking further clarification/verification as may be necessary, the concerned Officer will pass either provisional assessment order within one week or final assessment order within two weeks and communicate the said order to the Petitioner forthwith. In the event of passing the provisional assessment order, the orders passed by the Court including the one dated 23rd February 2016 in W.P. (C) 1567 of 2016 (*G.S. Nuts v. Commissioner of Customs*) shall be kept in view.

7. If the above time limits are not adhered to, the Petitioner will apply to this Court for directions.

8. The petition is disposed of in the above terms.

9. Order be given *dasti* to learned counsel for the parties under the signature of the Court Master.

S. MURALIDHAR, J

VIBHU BAKHRU, J

APRIL 08, 2016

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