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* IN THE HIGH COURT OF DELHI AT NEW DELHI
31.
\+ W.P.(C) 3170/2016

S.S. EXPORTS PROPRIETOR SATISH SAXENA ..... Petitioner

Through: Mr Shubhankar Jha, Mr Rahul Raheja and Mr Vikas Sarin, Advocates.

versus

COMMISSIONER OF CUSTOMS INLAND CONTAINER DEPOT, TUGHLAKABAD AND ANR. ..... Respondents

Through: Mr Satish Kumar, Senior Standing counsel.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE VIBHU BAKHRU

O R D E R

% **08.04.2016**

CM No.13596/2016

1. Allowed, subject to all just exceptions.

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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 bills of entry ('B/E') for clearance of the consignments imported from Sri Lanka on 8th February, 2016, and 2nd February 2016, 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. 4185447 dated 8th February, 2016, and 4121680 dated 2nd 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 the 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/MK