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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10771/2015

M/S MYSTIC EXIM PVT. LTD

..... Petitioner

Through Mr.G.K.Sarkar with Ms.Malabika
Sarkar and Mr.Prashant Srivastava,
Advocates.

versus

COMMISSIONER OF CUSTOMS (EXPORT) ICD, TKD AND
ORS.

..... Respondents

Through Ms.Sonia Sharma, Sr.Standing
Counsel for R-1.
Mr.Satish Kumar, Sr.Standing
Counsel for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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05.02.2016

Learned counsel for respondent no.1 today in Court handed over a letter dated 29th December, 2015 received by her from the office of Commissioner of Customs (Export), ICD, Tughlakabad, New Delhi, Special Investigation and Intelligence Branch. The relevant portion of the said letter reads as under:-

“Sub: WP C No.10771/2015 titled as Mystic Exim P.Ltd., Vs Commissioner of Customs (Export) ICD TKD & Ors. before Hon’ble High Court at delhi-Reg.

Please refer to this office’s earlier correspondence vide letters of even nos.26871 dated 11.12.2015 and 27008 dated 14/12/2015, on the above subject.

2. In continuation of the above, please be informed that Central Bureau of Investigation has now intimated that the request regarding examination of the goods of the detained containers at ICD, Tughlakabad and ICD, Pataparganj by

DRI or under DRI supervision was made by them on the basis of the fact that DRI is already investigating a matter with regard to the export fraud committed by the related firms of the consignors and its might have helped in the DRI investigations. CBI has now specifically clarified that they do not required the detained goods as on date. DRI has also requested that the case may be defended on the merits as conveyed to you vide letter dated 14.12.2015.

3. Since the exporter whose goods have been held up has now requested that they may be allowed to take goods back to the town. In view of the position as brought out above, this office has no objection to the request of the exporter.”

In view of the aforesaid letter, the petitioner is allowed to take the goods back to the town and respondent no.1 is directed to issue a detention certificate to the petitioner in accordance with law.

Since, learned counsel for respondent no.2 has no instructions in the present case, this Court disposes of the present petition by directing the said respondent to treat the present petition as a representation of the petitioner and to decide the same within two weeks, after giving an opportunity of hearing to the petitioner.

Order *dasti*.

MANMOHAN, J

FEBRUARY 05, 2016
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