

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4879 of 2017
Date of Decision : 25.04.2017

M/s J.S. Steel Traders

...Petitioners

Versus

Union of India and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE S.J. VAZIFDAR CHIEF JUSTICE*
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Saurabh Kapoor, Advocate for the petitioners.

Mr. Anshuman Chopra, Advocate for the respondents.

S.J. Vazifdar, C.J.(Oral)

The petitioners have challenged the seizure of their products, which they have contend in melting scrap. The respondents contend that it is not scrap. During the pendency of this writ petition, the respondents passed an order of provisional release. The petitioners have challenged that order before the Commissioner (Appeals).

2. By our order dated 18.04.2017, we recorded the statement on behalf of the respondents that they would indicate in writing to the petitioners the parameters for mutilating the material for compliance with an order dated 06.04.2017, which was passed pursuant to the interim orders in this writ petition. This was without prejudice to the rights and contentions of the parties. The respondents have now communicated in writing to the petitioners the parameters. The petitioners object to the same as well. The matter is pending before the Commissioner (Appeals). Even the question as to whether the parameters indicated as stated above are correct or not, can be raised before the Commissioner (Appeals).

3. The petitioners find themselves in a difficult situation as on

account of these disputes as they are incurring demurrage on a daily basis. The respondents are at liberty to make an application before the Commissioner (Appeals) for disposing of the matter expeditiously. This is also desirable as this matter may affect the trade in general. The petitioners shall appear before the Commissioner (Appeals) on the basis of this order in the first instance on 27.04.2017 at 11:00 A.M. The Commissioner (Appeals) is requested to fix a suitable date and we are confident that on such date the matter will not be adjourned unnecessarily.

4. The respondents shall in the meantime permit the petitioners to remove that part of the consignment/consignments which according to them constitutes scrap. The same shall be done at the costs, charges and expenses of the petitioners to be paid in advance. The petitioners agree that they will provide the labour and other material. Needless to add that in respect of the labour and material provided by the petitioners, the respondents shall not be entitled to charge any amount. It is clarified that the petitioners, however, shall be entitled to challenge the respondents' decision as to what constitutes scrap at this stage, for this purpose only before the Commissioner (Appeals) and not by way of a further petition.

5. The petition is, accordingly, disposed of.

A copy of this order be given to learned counsel for the petitioners under the signatures of the Bench Secretary of this Court.

(S.J. VAZIFDAR)
CHIEF JUSTICE

25.04.2017
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No