

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 9194 of 2017

Date of Decision: 1.5.2017

M/s Mohit Industries, Mundka, New Delhi

....Petitioner.

Versus

Union of India and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.  
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

**PRESENT:** Mr. Saurabh Kapoor, Advocate and  
Mr. Rishabh Kapoor, Advocate for the petitioner.

**AJAY KUMAR MITTAL, J.**

1. Through the instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondents to pass the order of provisional release/provisional assessment of the goods comprising of Cold Rolled Steel Sheet Cutting Secondary and Defective Width Less than 600 MM and detained illegally imported by the petitioner vide Bill of Entries Nos. 8362288 dated 30.1.2017, 8095216 dated 6.1.2017 and 8519138 dated 11.2.2017.

2. The petitioner is engaged in the business of import and trading of Iron and Steel items. It imported three consignments of Cold Rolled Steel Sheet Cuttings (Secondary and Defective) and filed the Bills of Entries dated 30.1.2017, 6.1.2017 and 11.2.2017 at the port of ICD OWPL,

Ludhiana. The said material was examined by the custom officers with the help of local Chartered Engineer. On the basis of the said import documents dated 6.1.2017, 30.1.2017 and 11.2.2017 (Annexure P-1 Colly), the petitioner requested for opening of the Bill of Entry. The request of the petitioner was allowed and the said Bills of Entry were issued for clearance of the goods being the Cold Rolled Steel Sheet Cuttings (Secondary and Defective). Accordingly, the petitioner declared the value and description as per the invoice supplied by the overseas supplier. The petitioner requested the respondents for provisional release of the goods vide various letters. However, despite repeated reminders as well as the circulars (Annexure P-2 Colly) issued by respondent No.1, neither the goods were released nor any reply to the letters sent by the petitioner was given. This Court vide order dated 29.9.2014 (Annexure P-3) passed in CWP No. 19750 of 2014 directed the respondents to release the imported goods within 48 hours in case the same were not prohibited goods. Accordingly, the petitioner vide letters dated 10.2.2017, 22.2.2017, 16.3.2017, 3.4.2017 and 17.4.2017 (Annexure P-4 Colly) requested respondent No.2 for provisional release of the goods, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent the letters (Annexure P-4 Colly) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the letters (Annexure P-4 Colly), in accordance with law by

passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one week from the date of receipt of certified copy of the order.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**May 1, 2017**  
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**(RAMENDRA JAIN)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |