

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2143 of 2018

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M/s Ayesha Exports through its Proprietor Majaharul Haque, S/o Late Md. Ilyas, Resident of Ayesha Manzil, Nawabganj, P.S. and District- Kishanganj.

.... Petitioner

Versus

1. The Union of India.
2. The Director General of Foreign Trade, Govt. of India, Ministry of Commerce & Industry, Department of Commerce, New Delhi.
3. The A.D.G. Directorate of Revenue Intelligence, Lucknow.
4. The Chairman, Revenue Board, New Delhi.
5. The Commissioner, Customs & Revenue, Patna.
6. The Dy. Commissioner, LCS, Jogbani, Bihar.

.... Respondents

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Appearance :

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| For the Petitioner | : | Mr. Anjani Kumar, Sr. Advocate.
Mr. Santosh Kumar Singh |
| For the UOI | : | Mr. S.D SANJAY (Addl.S.G.)
Mr. Rajesh Kumar Verma, CGC |
| For the Customs | : | Mr. Satya Prakash Tripathy, Sr. SC Customs. |

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-03-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents not to disturb the petitioner by way of detaining the consignment who is authorized importer of Betal nuts from Nepal as per Indo-Nepal treaty.

3. Learned counsel for the petitioner invites attention to paragraph-7 of the subject treaty which provides that in case of reasonable doubt about the authenticity of Certificate of Origin, the



consignment in question is to be allowed entry on provisional basis against a bond, pending clarification from the certifying agency. It is pointed out that in the instant case the Certificate of Origin dated 08.02.2018 (Annexure-12) has been issued by the Ministry of Agriculture & Farmers Welfare, Department of Agriculture Cooperative & Farmers Welfare, Directorate of Plant Protection Quarantine and Storage, Bihar in respect of import of Betel nut from which it has been recommended for release as the same conforms to the requisite standards. The petitioner has filed its representation dated 03.02.2018 for release of the consignment before the Deputy Commissioner, Land Customs Station, Jogbani, Araria which is said to be pending.

4. Learned counsel for the respondents appear and have been heard.

5. Having regard to the nature of the grievance of the petitioner, this Court is of the view that it will suffice if the present writ petition is disposed of with a direction to the Deputy Commissioner, Land Customs Station, Jogbani, Araria (Respondent No. 6) to consider and dispose of the petitioner's representation dated 03.02.2018 (Annexure-11/1), if the same is pending before him, after grant of opportunity of hearing to the petitioner in accordance with law expeditiously and preferably within a period of three weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that in case the petitioner is



entitled for the relief sought, the consignment shall be released forthwith.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.03.2018
Transmission Date	N.A.

