

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.26745 of 2018

ORDER: (per SK,J)

The prayer of the petitioner concern in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an order or direction more particularly one in the nature of Mandamus,

a) Declaring the action of 3rd respondent in detaining the containers covered by Bill of Entry No.2763107 dated 07.08.2017, B.E.No.2787438 dated 09.08.2017, B.E.No.3215262 dated 13.09.2017, and B.E.No.4309478 dated 07.12.2017 belong to the petitioner firm at Bengaluru port and further not giving clearance for release of containers as illegal, arbitrary, unconstitutional and against the Indian Trade Classification (Harmonized system) of import items, 2017 and Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008.

b) And consequently declare the action of the 3rd respondent in not giving the clearance of the release of goods of the petitioner on the pretext of application of 'Electronic and IT Goods (requirement of compulsory registration) Order (CRO), 2012' to the goods imported by the petitioner, as illegal and arbitrary.

c) and to pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

This Court had occasion to consider a similar issue in W.P.No.2728 of 2018. The said writ petition was allowed *vide* order dated 06.04.2018 permitting the petitioner therein to furnish all the documents as stipulated in the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, and as and when it did so, the Customs Authorities were directed to consider the same in the light of the statutory regime under the Customs Act, 1962, and the notifications issued thereunder, keeping in mind the earlier Order-in-Original dated 05.07.2017 passed by the Customs Authorities at Kolkata in like circumstances, and consider the plea of the petitioner therein for release of the consignments in accordance with law within a time frame.

Sri B.Narasimha Sarma, learned counsel for the Revenue, would inform this Court that the petitioner concern has also filed four bills of

entry with the Bangalore Customs Authorities for clearance of old and used digital multifunction devices. Learned counsel would further state that the authorities called upon the petitioner concern to produce certain documents and as and when it does so, the matter would be taken up for consideration.

Sri Gandra Mohan Rao, learned counsel for the petitioner concern, would inform this Court that the documents sought would be furnished within a week from today.

Upon receipt of the documents from the petitioner concern, the respondent Customs Authorities shall endeavour to consider the petitioner concern's plea for release of the consignments in accordance with law duly keeping in mind the earlier proceedings. This exercise shall be completed expeditiously and in any event, not later than two weeks from the date of furnishing of the documents by the petitioner concern. The authorities shall give an opportunity of personal hearing to the petitioner concern to clarify any issue, if necessary, before passing final orders.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

T.AMARNATH GOUD,J

Date:10.08.2018

Note:

Furnish C.C. by 13.08.2018.

(B/o)

GJ