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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8854/2018 & CM APPL. 34027/2018

STANLEY FERNANDES

..... Petitioner

Through: Counsel for petitioner.

versus

COMMISSIONER OF CUSTOMS EXPORT

..... Respondent

Through: Mr.Harpreet Singh, CGSC with Mr.
Suresh Choudhary, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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18.09.2018

The petitioner's grievance is that as an unpaid seller, its request for substitution - Import General Manifest (IGM), instead to replace the consignment which has disclaimed liability, has not been addressed. At the outset, counsel for the Revenue, who appeared after notice contended that the consigner/exporter was a non-existing firm. To say so, counsel for the Revenue highlighted that the database available of supplier, from Hong Kong did not show up M/s Sui & Company.

This Court is of the opinion that since the consignee has refused to clear the goods and the present petitioner has approached the Customs Authorities for clearance of the goods – upon payment of

applicable duty, the respondent – Customs Authorities should adjudicate upon the request as well as the duty liability, if any, in accordance with law. Since the bills relates to August, 2017, the concerned Adjudicating Authority shall decide the matter expeditiously preferably within six weeks. The respondent shall consider amending show cause notice (without prejudice to its contention at this moment) to ensure the participation of the petitioner/exporter.

Writ petition disposed of in the above terms.

Order dasti under signatures of the Court Master.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

SEPTEMBER 18, 2018

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