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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9172/2017, CM APPL. 37505/2017**

MALA PETROCHEMICALS & POLYMERS Petitioner

Through: Mrs. Anjali J. Manish, Mr. Sagar
Rohatgi, Advs.

versus

**THE PRINCIPAL COMMISSIONER OF CUSTOMS
(IMPORT),ICD, TUGHLAKABAD, NEW DELHI & ORS.**

..... Respondent

Through: Mr. Abhishek Ghai for Sanjeev Narula,
Adv. for R-1&5,
Mr. Aditya Singla, Sr. Standing Counsel for DRI
with Ms. Drishti Harpalani, Adv. for R-2&4.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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13.07.2018

The petitioner approached this Court with the grievance of non-clearance/detention of the goods imported by him leading to adverse economic consequences. It had imported PVC Resin Suspension Grade SG-5 and Melamine Powder. Alleging mis-description of the goods as well as disconnect between the Import General Manifest and the terms of the bill of entry, goods – stuffed in 45 containers were not allowed to be cleared. Thereafter, a provisional release order was made on 27.07.2017 followed by a show cause notice under Section 124 of Customs Act on

06.11.2017. It is stated on behalf of the Directorate Revenue Intelligence that petitioners are free to clear the goods but have not done so. Learned counsel for the petitioner on the other hand submits that the prolonged detention has meant demurrage and other detention charges payable to the custodian of the goods i.e. CONCOR.

Given the present case of the petitioner's i.e. that the goods are subject to final adjudication, whereby, the description of the goods is involved, it would not be possible for the Court to direct the respondents to release the goods without payment of demurrage charges. At the same time, it is open to the petitioner to apply to the CONCOR within two weeks for waiver of demurrage or any part thereof in accordance with the prevalent rules.

The writ petition is disposed of in the above terms.

The adjudication upon the bills of entry and the import in question pursuant to the show cause notice on 06.11.2017 shall be concluded as early as possible, preferably within four months from today.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JULY 13, 2018

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