

11-12-2019
Court No.2
Sh/40.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 759 OF 2019

**Venture Supply Chain Private Limited & Anr.
. Petitioners.
Vs.
Union of India & Ors.... Respondents.**

Mr. Arijit Chakraborty,
Mr. D. Banerjee.

. . .For the Petitioners.

Mr. Kunaljit Bhattacharjee.

. . .For the Respondents.

1. Affidavit of service filed in Court today is kept with the record.

2. This is an application under Article 226 of the Constitution of India, wherein the petitioners are aggrieved by orders dated July 3, 2019 and August 13, 2019 by which the Customs Authorities have provisionally ordered release of the transport carrier under Section 110A of the Customs Act, 1962.

3. By the order dated July 3, 2019 the Customs Authorities directed payment of security deposit of Rs.15,27,600/- and execution of security bond covering full value of the vehicle for the release of the said goods.

4. Subsequently, by order dated August 13, 2019 the prayer of the petitioner for reduction of the security deposit has been rejected in a cryptic manner. No

reasons have been provided in the order dated August 13, 2019.

5. It is to be noted that the insured value of the carrier vehicle is Rs.19,09,500/-

6. I have heard the submissions made by the respective parties and perused the materials on record.

7. In cases of release of vehicles that are carrying illegal goods, normally the security required to be taken is between 25 to 30 per cent of the insured value of the vehicle by the Custom Authorities.

8. In the light of the above, I do not find any justification for the high security deposit sought by the Customs Authorities. In such view of the matter, I direct the Customs Authorities to release the goods under Section 110A of the Customs Act upon payment of Rs.4.5 lakhs along with the execution of surety bond covering the full value of the vehicle.

9. It is made clear that the vehicle shall be released within seven days of the payment of the security deposit and compliance of all required formalities.

10. This writ petition being W.P.A. 759 of 2019 is, accordingly, disposed of.

11. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

12. Urgent Photostat certified copy of this order, if applied for, be handed over to the parties on compliance of necessary formalities.

(SHEKHAR B. SARAF, J)