

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 2915 OF 2019

Hyundai Merchant Marine India Pvt. Ltd. .. Petitioner

Vs

The Chief Commissioner of Customs
(General) and others .. Respondents

Mr.Sandip Parikh a/w Ms.Priyanka Patel i/b V.Subramanian, for the
Petitioner.

Mr.Pradeep S.Jetly and Mr.J.B.Mishra, for Respondent Nos.1 to 4.

Mr.Vishal Sheth a/w Mr.Bimal Rajasekhar, for Respondent No.6.

Mr.Inayat Ali i/b K.K.Associates, for Respondent No.11.

Along with

WRIT PETITION NO. 10926 OF 2018

Hapag Lloyd (India) Pvt. Ltd. .. Petitioner

Vs

Union of India and others .. Respondents

Mr.Ashish Verma i/b Mr.Vipinkumar R.Sharma, for the Petitioner.

Mr.Pradeep S.Jetly and Mr.J.B.Mishra, for Respondent Nos.1 and 3 to
6.

Mr.Jitendra M.Pathade, for Respondent No.2.

***CORAM : M.S.SANKLECHA &
NITIN JAMDAR, JJ.
Date : 26 September 2019.***

P.C. :

These two Petitions under the Customs Act, 1962 (the 'Act') have been filed by agents of the owners of Containers in which goods were imported into India. They seek release of Containers, which are still under the over all control of the Custom Department, so as to fulfill its obligations in terms of the bond executed by them, to re-export the Containers. It is the case of the Petitioners in Writ Petition No.2915 of 2019 (53 Containers) and in Writ Petition No.10926 of 2018 (147 Containers) are still under the control of the Custom Department.

2. The Petitioners state that the Containers in which the imported goods had arrived are not being released by the customs authorities for over a period of five years *inter alia* on the ground that the goods contained in the Containers are still subject to investigation. This even when admittedly the Petitioners have nothing to do with the imported goods. They have only made available the Containers to the importers for the purpose of importing goods into the country and have executed a bond to the Government of India to re-export the Containers within a period of six months from its import. It is in the aforesaid circumstances that

they seek a specific direction directing the Customs Authority to ensure the return of their Containers.

3. Mr.Jetly learned counsel appearing for the Respondents-Customs states that two additional affidavits both dated 18 September 2019 of Mr.Radhanath Purohit, Deputy Commissioner of Customs have been filed in both petitions. To each of these affidavits have been annexed a chart broadly indicating the present status of the Containers. Independent of the affidavit, Mr.Jetly states that he has been instructed by the officers of Customs that the containers of both the Petitioners would be released as expeditiously as possible and an endeavour would be made to release them all within a period of six months from today. This of course subject to cooperation from all the stakeholders and authorities involved in respect of the release of the containers.

4. Mr.Parikh, learned counsel appearing for the Petitioner in Writ Petition No.2915 of 2019 and Mr.Verma, learned counsel appearing for the Petitioner in Writ Petition No.10926 of 2018 state that the Petitions could be disposed of in terms of the statements annexed to the affidavits dated 18 September 2019 of Mr.Purohit-the Deputy Commissioner of Customs and the statement of Mr.Jetly on instructions of the Customs.

5. We direct all the stakeholders and authorities involved in

the withholding of the Containers to assist the Customs in ensuring expeditious release of the Containers to the Petitioners.

6. Petitions disposed of in above terms.

(NITIN JAMDAR, J.)

(M.S.SANKLECHA, J.)