

CWP No.20382 of 2019

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

(1) CWP No.20382 of 2019

M/s Goodwill Traders ...Petitioner

v.

Union of India and others ...Respondents

...

(2) CWP No.26661 of 2019

M/s Gulf Quarry General Trading Private Limited ...Petitioner

v.

Union of India and others ...Respondents

...

(3) CWP No.26682 of 2019

M/s Sagari Enterprises ...Petitioner

v.

Union of India and others ...Respondents

...

(4) CWP No.26731 of 2019

M/s S.S.B. Enterprises ...Petitioner

v.

Union of India and others ...Respondents

...

(5) CWP No.29289 of 2019

S.S. Overseas ...Petitioner

v.

Union of India and others ...Respondents

...

(6)

CWP No.30836 of 2019

M/s A.K. Trading Company

...Petitioner

v.

Union of India and others

...Respondents

...

(7)

CWP No.30349 of 2019

Rasila Filling Station

...Petitioner

v.

Union of India and others

...Respondents

Date of Decision: 6-11-2019

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH
HON'BLE MR.JUSTICE GIRISH AGNIHOTRI**

Present: Mr.Saurabh Kapoor, Advocate
for the petitioner in CWP No.20382 of 2019.
Mr.Jashan Preet Sidhu, Advocate for
Mr.Bhavesh Aggarwal, Advocate
for the petitioners in CWP Nos.26661, 26682 & 26731 of 2019.
Mr.Rahul Bhargava, Advocate
for the petitioner in CWP No.29289 of 2019.
Mr.Rishab Singla, Advocate
for the petitioner in CWP No.30836 of 2019.
Mr.Naveen Bindal, Advocate
for the petitioner in CWP No.30349 of 2019.

Mr.Sourabh Goel, Senior Standing Counsel,
for respondents No.1 to 3 in all the petitions.

Mr.Paul S. Saini, Advocate and
Mr.Manhar S. Saini, Advocate
for respondent No.4 in all the petitions.

GIRISH AGNIHOTRI, J.

By this common order, aforementioned seven petitions can be disposed of together since the question involved is identical. The prayer made in all the petitions is for quashing the assessment orders as well as Notification No.5/2019-Customs dated 16.2.2019 being ultra vires the Constitution of India and Customs Tariff Act, 1975. The petitioners are further seeking a mandamus for clearance/release of their goods, imported/originating from Pakistan and detained at the Customs Station Attari Border, on payment of duty applicable on the date/time of filing of Bill of Entry and further for stay of auction proceedings.

Reply on behalf of respondents No.1 to 3 in CWP Nos.26682, 26731, 29289 and 30349 of 2019 have been filed in Court today. Same are taken on record. The Registry is directed to paginate the paperbooks.

After hearing counsel for the parties and going through the contents of the replies, no case is made out which persuades us to take a different view which we have already taken in **Civil Writ Petition No.11887 of 2019, titled as 'M/s Rasrasna Food Pvt. Ltd. v. The Union of India & Ors.'**, decided on 26.8.2019.

Consequently, the present petitions are allowed in the same terms as in **Civil Writ Petition No.11887 of 2019**. The assessment orders, if any, are set aside.

It is directed that the Customs Department shall immediately issue the detention memos to facilitate the release of detained goods lying in the godowns of respondent No.4. It is further directed that in case the detained goods have been auctioned for the lack of any stay order till today, the sale proceeds of the same, in view of the detention memos issued by the

Customs Department shall be released to the petitioners. It is further clarified that in the event of the auction having already been conducted, the detention memos shall be issued relating to the date of detention till the date of auction.

A copy of this order be placed on the paperbooks of all the connected matters.

(JASWANT SINGH)
JUDGE

(GIRISH AGNIHOTRI)
JUDGE

November 6, 2019

RC

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No