

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

CWP-28938-2019

Date of Decision:04.12.2019

S.N. Consultants

... Petitioner

Vs.

Commissioner of Customs and another

... Respondents

CORAM : HON'BLE MS. JUSTICE JASWANT SINGH

Present : Mr. Deepak Gupta, Advocate
for the petitioner.

Mr. Anshuman Chopra, Advocate
for the respondents.

JASWANT SINGH, J. (Oral)

The consignment of the petitioner-Proprietorship concern imported from Sri Lanka under the Incentive Scheme (Annexure P-1) does not invite payment of any custom duty.

The grievance is that the consignment has not been released for the last two months on the alleged ground of verification of certificate of place of region while illegally demanding 100% bank guarantee of the proposed custom duty.

Upon notice, on one of the date i.e. 24.10.2019, following order was passed:

“Reply has been filed in CWP-28938-2019. Copy given. It is not substantiated as to what was the material available for doubting the country of origin of the imported goods, more so when the petitioner has been regularly importing similar consignments from Sri Lanka. Adjourned to 31.10.2019.

Let respondent No.2 file his affidavit indicating the material available to doubt such consignments in order to sustain the direction for furnishing 100% bank guarantee for release of the goods; as also indicating the date-wise steps taken by the Department to ascertain the genuineness of the certificate of origin.

Be shown in urgent list.

Photocopy of this order be placed on the file of the connected case.”

On the subsequent date i.e. 27.11.2019, following order was passed:

“On a careful scrutiny, we find that the affidavit dated 18.11.2019 filed by Mr. SS Chauhan, Assistant Commissioner, Customs, Delhi does not meet the requirement of the directions contained in the order dated 24.10.2019.

Counsel for respondents prays for one opportunity to either have the goods-awaiting-clearance released before the next date or have the officer personally present to explain the lapse in filing the proper affidavit.

List on 04.12.2019.

To be shown in the Urgent List.”

At the time of resume hearing today, Mr. Anshuman Chopra, learned counsel for the respondents states that the goods have been released without seeking any bank guarantee and therefore, seeks exemption from filing the affidavit in compliance of the previous orders.

In response, learned counsel for the petitioner submits that the writ petition has become infructuous and the same may be dismissed as such.

Dismissed as infructuous.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

04.12.2019
rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No