

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

112/2

**CWP No.28967 of 2019.
Date of Decision: 19.11.2019.**

M/s M.V.S. Impex

....Petitioner.

Versus

Commissioner of Customs and another

....Respondents.

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

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, no reply was filed in the instant case. However, in the connected writ (CWP No.28938 of 2019) the reply was filed and in the common hearing on 24.10.2019, the following order was passed:-

“Reply has been filed in CWP No.28938 of 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.

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

At the time of resumed hearing today, counsel for the petitioner submits that the present writ petition has become infructuous as the detained goods have since been released without seeking bank guarantee.

Dismissed as infructuous.

(Jaswant Singh)
Judge

(Lalit Batra)
Judge

19.11.2019
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No