

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

	1.	CWP-29069-2019
M/s SRK Overseas		... Petitioner
	Vs.	
Union of India and others		... Respondents
	2.	CWP-20804-2019
M/s Genuine Copier Systems		... Petitioner
	Vs.	
Union of India and others		... Respondents
	3.	CWP-20808-2019
M/s SRK Overseas		... Petitioner
	Vs.	
Union of India and others		... Respondents
	4.	CWP-20810-2019
M/s SRK Overseas		... Petitioner
	Vs.	
Union of India and others		... Respondents
	5.	CWP-20828-2019
M/s Photofax System		... Petitioner
	Vs.	
Union of India and others		... Respondents
	6.	CWP-21001-2019
M/s Photofax System		... Petitioner
	Vs.	
Union of India and others		... Respondents

Date of Decision:19.12.2019

**CORAM : HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present : Mr. Saurabh Kapoor, Advocate
for the petitioner (in all cases).

Mr. Saurabh Goel, Advocate
for the respondents (in all cases).

JASWANT SINGH, J. (Oral)

This common order shall dispose of all the aforesaid writ petitions as they involve common question of facts and law.

The petitioner (s) in all the aforesaid cases are importers of old and used Digital multifunctional devices (for short “MUD's”) and are aggrieved with the action of the Custom department in detaining and seizing the consignment of such goods on the ground that they are prohibited goods violating the provisions of the statutory CRO-2012 Order issued by the Ministry of Electronics, Information & Technology. Prayer is for provisional release of seized goods.

The stand of the respondent-Custom Department is that the said goods are covered under the classification of “Printers & Photocopiers” and thus, requiring the said goods to be of prescribed standards/BIS complaint as laid down in the provision of Bureau of Indian Standards Act, 1986.

Whereas the stand of the petitioner (s) is that the Digital multifunctional devices (MUD's) are substantially different from “Printers & Photocopiers” and thus at best can be held to be restrictive goods and thus, liable to be released upon payment of redemption fine and penalty.

In view of the fact that some of the similarly situated importers having filed subsequent writ petition challenging the vires of the provisions of CRO-2012 order and the circular dated 2.5.2019; and secured interim orders of provisional release, learned counsel for the petitioner (s) prays for permission to withdraw all the aforesaid writ petitions with liberty file fresh

petitions, *inter alia*, challenging the vires of the aforesaid provision and circular; as also relief of provisional release under Section 18 read with Section 110-A of the Customs Act, 1962.

Learned counsel for the respondents possibly can have no objection.

Accordingly, all the petitioners are dismissed as withdrawn with the aforesaid liberty.

**(JASWANT SINGH)
JUDGE**

**(SANT PARKASH)
JUDGE**

19.12.2019
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Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**