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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 16th December, 2019

+ W.P.(C) 13228/2019 & CM APPL. 53810/2019 (Exemption)

SPARSH IMPEX

..... Petitioner

Through Mr. Pradeep Jain and Mr. Shubhankar
Jha, Advs.

versus

DIRECTORATE OF REVENUE INTELLIGENCE,
DELHI ZONAL UNIT

..... Respondent

Through Mr. Satish Aggarwala, Sr. Standing
Counsel with Mr. Gagan Vaswani,
Advs. for DRI

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

% **16.12.2019**

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL. 53810/2019 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 13228/2019

1. This petition has been preferred with the following prayers:
“(i) To issue a writ of mandamus order direction thereby
directing the respondent to issue no objection certificate qua the

goods covered under bill of entry no. 5883458 dt. 29.11.2019 & 6004094 dt. 9.12.2019:

(ii) Alternatively, this Hon'ble Court may please to issue direction to the respondent office to grant provisional release of the goods covered under bill of entry no. 5883458 dt. 29.11.2019 & 6004094 dt. 9.12.2019

(iii) To issue detention certificate in favour of the Petitioner towards demurrages charges; and

(iv) To pass such other or further order which this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Looking to the facts and circumstances of the case, it appears that, as per submissions of the petitioner, the goods in question are bed sheets, imported from China, whereas as per submission of the respondent-DRI, since there was a mis-declaration about the value and classification of the goods in the Bill of Entry No. 5883458 dated 29th November, 2019 and No. 6004094 dated 9th December, 2019, therefore, the goods in question have been held up.

3. Having heard learned counsel for both sides and looking to the facts and circumstances of the case, it appears that since the DRI DZU is still investigating, the goods in question and a show cause notice is yet to be issued, we cannot entertain this petition at this pre-mature stage.

4. The respondents have all powers, jurisdiction and authority to issue show cause notice within a period of six months and therefore, we see no reason to entertain this writ petition, at this stage.

5. As and when any application for provisional release of goods is preferred by the petitioner before the respondent, the same will be decided by the respondent in accordance with law, rules, regulation and Government

policy, as applicable to the facts and circumstances of the case.

6. With these observations, this writ petition is hereby dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 16, 2019

dsm

HIGH COURT OF DELHI



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