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

Date of decision: 18th December, 2019

+ W.P.(C) 9447/2019

M/S RD INTERNATIONAL EXPORTS

..... Petitioner

Through None

versus

UNION OF INDIA AND ORS.

..... Respondents

Through

Ms. Amrita Prakash, CGSC for UOI
with Mr. Hari Shankar Sharma and
Mr. Kushal Agarwal, Adv. for R-1
Ms. Venus Mehrotra, Adv. with Ms.
Sonu Bhatnagar, SSC for R-2 and 3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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18.12.2019

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. When the matter is called out, nobody appears on behalf of the petitioner.
2. We have heard the learned counsel for the Respondent Nos. 1, 2 and 3.
3. It is submitted by the learned counsel for respondents that the goods in question were detained on 16th August, 2019 and Seizure Memo was also issued by the respondent No. 3 on the same date. It is further submitted by learned counsel for the respondents that under Section 110 (2) of the Customs Act, 1962 the Show Cause Notice can be issued by the respondents

within a period of six months, which will expire on 15th February, 2020.

4. In view of the above submission, this petition is pre-mature as the time limit to issue Show Cause Notice is yet to be over.

5. It is further submitted by learned counsel for the respondents that request for provisional release of goods has already been accepted by the respondents and for the same, a Bond equal to Freight on Board (FOB) value is yet to be furnished by the petitioner.

6. It is also submitted by learned counsel for Respondent Nos.2 and 3 that being a case of over valuation of the goods to be exported and for determination of correct market value, the petitioner is expected to cooperate in the matter.

7. In the light of aforesaid submissions that the respondents have already issued a seizure memo dated 16th August, 2019 and further looking to the fact that an application for provisional release of goods has already been accepted by the respondents subject to petitioner furnishing a Bond equivalent to FOB value of goods, we see no reason to entertain this writ petition.

8. Hence, this writ petition is hereby dismissed.

CHIEF JUSTICE

REKHA PALLI, J.

DECEMBER 18, 2019/dsn