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

+ W.P.(C) 2942/2017

KARAN KUMAR ARORA

..... Petitioner

Through: Mr Arvind Kumar Gupta, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr S. K. Bansal, Advocate for R-5.
Mr Amit Bansal, Sr. Standing
Counsel for Customs Department.
Ms Shiva Lakshmi, CGSC with Mr
Siddharth Singh, Advocate for R-1
and R-2.
Ms Jyoti Taneja, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.01.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(i) Issue a writ or any other appropriate writ, order or direction whereby frame the guidelines for implementation of John Doe orders and prescribe the procedure.”

2. It is the petitioner's case that he had purchased certain branded goods in an auction conducted by the Customs Authorities. These goods included shoes and other products bearing well known trademarks. The said goods were seized pursuant to an order passed in a suit instituted by respondent no.5 (Nike Innovate C.V.). The petitioner is aggrieved by the said action as he claims that the goods are not infringing any trademark/brand and had been purchased legitimately in an auction conducted by the custom

authorities. Insofar as the petitioner's grievance in this regard is concerned, the same is required to be agitated before the concerned Court that has passed the orders for seizure of such goods. Needless to state that if the petitioner is aggrieved by any such order, he is also at liberty to avail of appellate remedies.

3. Mr Amit Bansal, learned counsel appearing for the respondent no.3/ Commissioner of Customs states that there is a serious allegation that the invoices, produced by the petitioner indicating purchase of allegedly offending goods in an auction conducted by respondent no.3, are false. He submits that the goods claimed to have been purchased by the petitioner through such an auction were not auctioned by the custom authorities and the invoices produced along with the petition are forged. He further states that a vigilance enquiry in this regard has been ordered and is currently being undertaken.

4. Plainly, the aforesaid allegations are serious as also noticed by this Court in an order dated 01.02.2018. In this view, it is directed that on conclusion of the vigilance enquiry, if it is found that the invoices produced in this Court are forged, respondent no.3 will also institute a criminal complaint in order to ensure that the offenders are prosecuted to the full extent of law.

5. No further orders are required to be passed in this petition. The same is disposed of.

VIBHU BAKHRU, J

JANUARY 11, 2019
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