

18,DL,Ct.19.
14.10.2020
A.J.

**W.P.A. 6631 of 2020
C.A.N. 1 of 2020 (C.A.N. 5460 of 2020)
C.A.N. 2 of 2020**

(Through Video Conference)

**Bari Ydyog
-Vs-
Commissioner of Customs (Preventive)
West Bengal , Kolkata & Ors.**

Mr. Moinak Bose,
Mr. Shakeel Mohammed Akhter.
....for the petitioner.

Mr. K..K. Maiti,
Ms. Aishwarya Rajyashree.
.....for the respondent
nos.1 and 2.

Mr. Kaushik Dey.
.....for the DRI Authority

In Re: C.A.N. 2 of 2020

This is an application for addition of party.
The application is not on record.

In terms of the order dated September 21, 2020 the petitioner by the present application is seeking addition of Additional Director General, Directorate of Revenue Intelligence, Kolkata Zonal Unit as a party respondent to the writ petition.

Mr. Kaushik Dey, learned advocate appears for the party sought to be added and supplies a copy of the application which is treated to be original and is kept with the record.

The application is allowed.

Let the Additional Director General, Directorate of Revenue Intelligence, Kolkata Zonal Unit whose particulars have been given at paragraph '5' of the application be added as respondent no.5 to the writ petition.

Department is directed to carry out necessary amendment in the cause title of the writ petition.

C.A.N. 2 of 2020 is, thus, disposed of.

No order as to costs.

In Re: W.P.A. 6631 of 2020

The petitioner is engaged in the business of oil tankers and while transporting Canola Oil to the factory of the respondent nos. 3 and 4, the oil tankers of the petitioner bearing registration nos. MP-06-HC-5104 and MP-06-HC-5105 were seized.

The petitioner made the representation dated May 18, 2020 appearing at page '33' of the writ petition being Annexure "P-3" for provisional release of the said two oil tankers in terms of Section 110A of the Customs Act, 1962.

The grievance of the petitioner is that the said representation has not yet been taken care of by the respondent no.1, who is obliged to dispose

of the said representation being the adjudicating authority in terms of Section 122 read with Section 122A of the said Act.

W.P.A. 6631 of 2020 is disposed of by directing the respondent no.1 to dispose of the representation of the petitioner dated May 18, 2020 being Annexure "P-3" to the writ petition within a period of two weeks from the date of communication of this order in accordance with law.

Affidavit-in-opposition since has not been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

The connected application being C.A.N. 5460 of 2020 is also disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)