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W.P.A. 10495 OF 2020

(Through Video Conference)

Rohit Jhunjunwala

Vs.

Commissioner of Customs (Port)
Kolkata & Ors.

Mr. Jaydeep Kar
Mr. Shovendu Banerjee
Mr. Soumyajit Mishra.

... For the Petitioner

Mr. Bhaskar Prasad Banerjee
Mr. Abhradip Maity.

... For the Customs
Authority.

Mr. R. K. Gupta
Md. Z. Alam.

...For the Respondents
Nos. 3 & 4.

This is an application under Article 226 of the Constitution of India wherein the petitioner is aggrieved by the inaction on the part of the customs authorities in considering the representation dated February 5, 2020 made by the petitioner with regard to the provisional release of the goods that have been retained by the customs.

Mr. Bhaskar Prasad Banerjee, learned counsel appearing on behalf of the customs authorities submits that directions may be given upon the officer concerned being the respondent no. 2 to immediately pass an order with respect to the provisional release of the goods.

In light of the above submissions, the officer concerned being the respondent no. 2 is directed to pass an order on the application made by the petitioner within a period of ten days from date after granting an opportunity of hearing to the petitioner wherein the petitioner shall be at liberty to take all points including production of judgements of the Supreme Court and High Courts with regard to the issue in question.

The writ petition is disposed of. There shall be no order as to costs.

Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)