

CWP-34716-2019
CWP-34855-2019

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

224

Date of Decision : 15.1 2020

CWP-34716-2019

M/s. Classic Interiors

..... Petitioner

Versus

Union of India and others

..... Respondents

CWP-34855-2019

M/s. Bansal Glass House

..... Petitioner

Versus

Union of India and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
: HON'BLE MR.JUSTICE AVNEESH JHINGAN

**Present : Mr.Saurabh Kapoor, Advocate
for the petitioner.**

**Mr.Sunish Bindlish, Advocate
for respondents No. 1 and 4 to 6.**

AJAY TEWARI, J. (Oral)

**This common order shall dispose of above said two petition
as common question of law is involved there in.**

**These two appeals have been filed for issuance of a writ in
the nature of certiorari/mandamus for quashing of the impugned seizure
Memo dated 26.7.2016 (Annexure P-1) in CWP-34716-2019 and
impugned seizure Memo dated 25.7.2019 (Annexure P-1) in CWP-**

34855-2019 being illegal arbitrary and violative of provisions of the Customs Act, 1962 and in violation of the provisions of Article 14 and 19 of the Constitution of India.

On the last date the following order was passed :-

“Learned counsel for the customs has produced two separate orders dated 19.12.2019 in respect of two bills of entry whereby the provisional release of the goods seized has been ordered subject to certain terms and conditions.

Learned counsel for the petitioner (s) submits that the said terms and conditions of seeking bank guarantee, restraining of challenge to valuation etc are arbitrary and contrary to law in view of the law laid down by this Court in the cases of Bajrangbali Trading Company v. Union of India; 2012 (275) E.L.T. 311 (P&H); Amit Enterprises v. Union of India; 2011 (269) E.L.T. 314 (P&H); Shilpi Crafts v. Union of India; 2014 (314) E.L.T. 48 (P&H); ERA International v. Union of India; 2011 (274) E.L.T. 6 (P&H); Gaurav Electronics v. Addl. Commissioner of Cus., Sahnewal; 2015 (324) E.L.T. 149 (P&H); Kuber Casting (P) Ltd. v. Union of India; 2013 (297) E.L.T. 4 (P&H) and Century Knitters (India) Ltd. v. Union of India; 2013 (293) E.L.T. 504 (P&H).

That apart, it is urged that the petitioner (s) have already deposited cash amounts of Rs.15,00,000/- each qua two different seizures, which have not been taken into account while ordering the amounts under proposed Bank Guarantees.

Accordingly, the authorities are directed, through counsel, to re-examine the issue and pass supplementary/modified order of release. The authorities may also consider giving an opportunity to explain to the petitioner as well before passing any such order.

List for consideration on 15.01.2020.

A photocopy of this order be placed on the file of connected case.”

Today it is stated by the learned counsel for the respondents that notice was issued to the petitioner for 14.1.2020 but none appeared. Learned counsel appearing for the petitioner states that the notice was not received but he undertakes that he would enter appearance before the authorities on 20.1.2020. Learned counsel for the respondents has stated that in that case fresh order can be passed.

In view of these circumstances, above said both petitions stand dismissed as infructuous.

Since the main cases have been decided, the pending application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

15.1.2020
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No