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

+ **W.P.(C) 3780/2020**

**M/S.KYODO TECHNOLOGY PVT. LTD. THR.
SATISH MOLASI AUTHORIZED SIGNATORY Petitioner**

Through: **Mr. Shashibhushan P. Adgaonkar,
Mr. Rana Sandeep Bussa &
Mr.Ashutosh Dubey, Advocates.**

versus

UNION OF INDIA & ORS. Respondents

Through: **Mr. Harpreet Singh, Advocate for
respondents No. 2 & 3.**

**CORAM
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**% ORDER
29.06.2020**

CM APPL. 13525/2020

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 13526/2020

3. Exemption allowed, subject to all just exceptions.
4. The Court fees be paid within a week.
5. The application stands disposed of.

W.P.(C) 3780/2020

6. Issue notice. Mr. Harpreet Singh accepts notice on behalf of respondents No.2 & 3 – who are the contesting respondents.

7. The grievance of the petitioner in the present petition is that in relation to the inquiry initiated by the respondents regarding goods imported by the petitioner, the rented warehouse of the petitioner – where the goods were being kept, has been sealed and, consequently, the petitioner has not been able to use the said warehouse despite the petitioner paying the rent to the landlord.

8. The submission of the petitioner is that there is no provision in the Customs Act, which entitles the respondents to seal the complete warehouse.

9. Mr. Harpreet Singh has taken instructions and he states that the petitioner may approach the respondents today, or tomorrow, and that necessary orders would be passed for placing the goods in question in a bonded warehouse, and deasealing of the petitioner's warehouse, so that the petitioner could put the same to use.

10. So far as the petitioner's prayer for a direction to the respondents to pay the rent for the period that the rented warehouse premises have remain seized is concerned, in these proceedings, we are not in a position to pass any such directions as the same would involve determination of disputed questions of fact. However, we leave it open to the petitioner to pursue its other remedies in this regard before an appropriate forum/ Court.

11. In view of the aforesaid statement made by Mr. Harpreet Singh – which is taken on record and shall bind the respondents, we dispose of this

petition with a direction to the respondents to ensure that the warehouse of the petitioner is desealed and the goods in question are placed in a bonded warehouse in accordance with law.

12. The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JUNE 29, 2020

B.S. Rohella