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

% *Date of Decision: 7th August, 2020*

+ W.P.(C) 4509/2020 & C.M.No.16240/2020 (*interim relief*)

M/S AADHARSHILA MOBILITY
SOLUTIONS PVT LTD

..... Petitioner

Through: Mr. Sameer Rohatgi, Adv. with
Mr.Ashish Batra, Adv.

Versus

UNION OF INDIA & ANR.

..... Respondents

Through: Ms.Sonu Bhatnagar, Sr.Standing
Counsel with Mr.Vaibhav Joshi, Ms.Anushree
Narain, Ms.Venus Mehrotra, Adv. for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D.N.Patel, Chief Justice (Oral)**

1. Proceedings in the matter have been conducted through video conferencing.

2. This petition has been preferred with the following prayers:-

“i. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction(s) to the Respondent No.1 to forthwith grant Equipment Type Approval (ETA) applied by the petitioner vide application ETA-SD-20200603713 dated 19.06.2020; or

ii. In the alternative, direct the Respondent No.2 Customs authority to forthwith release the consignment of the petitioner covered under Bill of Entry bearing No.7779051 (*sic.*) dated 29.05.2020 without insistence on the ETA as was consistently being done since the past 4-5 years in respect of import of identical product by the

petitioner from the same overseas seller.”

3. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case, it appears that the petitioner is importing Wireless Communication Module under the Customs Tariff Heading No.85177090. Much was argued out by the counsel for the petitioner on the last date of hearing about the Equipment Type Approval to be issued by the Wireless Planning and Coordination (WPC) wing of the Union of India. The petitioner applied for Equipment Type Approval on 19th June, 2020 and on account of the same not being issued, the present petition was preferred.

4. Mr. Chetan Sharma, the learned ASG appearing for the Union of India submitted that the said approval has now been issued. Thus, as the main grievance ventilated in this petition about the Equipment Type Approval has already been taken care of, the only question remaining is of release of the consignment in question imported against Bill of Entry No.7779051 dated 29th May, 2020.

5. We, therefore, direct the respondent No.2 to release the said consignment in accordance with law, rules, regulations and Government policies applicable to the facts of the case as expeditiously as possible and practicable, within a maximum period of one week from today.

6. With these observations, this writ petition is disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

AUGUST 07, 2020/‘anb’

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