

15.07.2021

p.b.
Sl. No.6.

W.P.A. 8430 of 2021

Siemens Financial Services Pvt. Ltd. & Anr.

Vs.

The Commissioner of Customs (Import) & Ors.

(Via Video Conference)

Mr. Krishna Raj Thakkar,
Ms. Sreenita Ghosh Dashtidar,
Ms. Namrata Basu.

.....for the petitioners.

Mr. Bhaskar Prosad Banerjee,
Mr. Sukalpa Seal.

.....for respondent no.1.

Mr. Subhankar Chakraborty,
Mr. Saptarshi Bhattacharjee.

.....for respondent no.2.

Mr. Arijit Chatterjee,
Mr. Indranil Karfa.

.....for respondent no.3.

Ms. Ankita Dutta.

.....for Union of India.

Heard learned advocates appearing for the parties.

Considering the submissions of the parties and on perusal of the writ petition at page 68 of the writ petition, it appears that the petitioner has made a representation before the respondent custom authorities on November 6, 2020 in connection with auction of equipment in question hypothecated in favour of the petitioners and in the said representation, petitioners have made certain prayers for consideration.

Mr. Banerjee, learned advocate appearing for the Customs authorities submits that the aforesaid representation has addressed to the authority who do not exist and according to him, the appropriate authority in the case of the petitioner is Deputy Commissioner of Customs, Special Disposal Cell.

Learned advocate appearing on behalf of the respondent no.2 submits that they have also claim against the respondent no.3.

Without going into the merit of the case and disputes involved, I am inclined to dispose of this writ petition by allowing the petitioner to make a fresh representation before the Deputy Commissioner of Customs, Special Disposal Cell for the grievance raised in his representation dated November 6, 2020 within 4 days from date and if such representation is made within the time specified herein, the Deputy Commissioner of Customs, Special Disposal Cell shall consider and dispose of the same in accordance with law and by passing a reasoned and speaking order after giving an opportunity of hearing to the parties in this writ petition within two weeks from the date of such representation.

Let it be recorded that this Court has not gone into the merits of the case of the petitioner and the Deputy Commissioner of Customs, Special Disposal Cell is free to

decide this case on its own merit and strictly in accordance with law.

The application being W.P.A. 8430 of 2021 is disposed of.

Since no affidavits have been called for, allegations made in the writ petition shall not be deemed to have been admitted by the respondents.

(Md. Nizamuddin, J.)