

03.06.2021
rc/ct.no.10
Item No.06

WPA No. 10496 of 2021
M/s Nancy Overseas
Versus
The Union of India & Ors.
(VIA VIDEO CONFERENCE)

Mr. Subhabrata Chowdhury ... for the petitioner

Mr. Phiroze Edulji
Mr. Sukanta Ghoshfor the UOI

Mr. Kaushik Dey
Mr. Tapas Bhanja ...for the respondent no. 4

The grievance of the petitioner is directed against the seizure of goods by the respondent/DRI authorities.

The petitioner complains that the aforesaid seizure by the respondent authorities is wrongful and illegal.

Mr. Kaushik Dey, Advocate appearing on behalf of the respondent no. 4 submits that the remedy of the petitioner is to make an application under Section 110A of the Customs Act for provisional release of its goods before the appropriate Adjudicating Authority.

Mr. Phiroze Edulji, Advocate appears on behalf of the Union of India.

Admittedly the petitioner has not made any such application or representation before the Adjudicating Authority.

In view of the statutory alternative remedy available to the petitioner, WPA No. 10496 of 2021 is disposed of by directing the petitioner to make an application for release

the goods before the Adjudicating Authority in accordance with law within 7 days from date.

If such application is made, the appropriate authority will consider and dispose of the same in accordance with law within a period of 10 days from the date of receipt of such application.

Accordingly, WPA No. 10496 of 2021 is disposed of.

It is made clear that all points are left open and to be decided by the Appropriate Authority without being influenced any observation made in this order on the merits of this case.

(Ravi Krishan Kapur,J)