

S/L 14
03.12.2021
Court. No. 2
cm

WPA 18300 of 2016
In
IA No. CAN 1/2020(Old No. CAN 4280 of 2020)
Bengal Bonded Warehouse Ltd & Anr.
VS.
Chief Commissioner of Customs & Ors.
(Through Video Conference)

Mr. Shyamal Sarkar, Ld. Sr. Adv.
Mr. Debdut Mukherjee
Ms. Pritha. Basu

.... For the petitioners

Mr. B.P. Mukherjee
Ms. Manasi Mukherjee

... For the Custom authority

Heard learned advocates appearing for the parties.

It appears from record that petitioners had moved this writ petition for seeking relief of directing the respondents/ custom authority concerned for payment of warehousing charges with interest as pleaded in Paragraph 10 of the writ petition and for auction of the warehouse goods in question and to pay the warehousing charges with interest to the petitioners from the amount realized from such auction. It appears from record that on 26th February, 2021 an order was passed by this Court on the proposal of referring the matter to the appropriate authority of the Customs for resolution of the whole disputes of the petitioners. Now

the petitioners have filed this CAN No.1 of 2020(CAN 4280 of 2020) and it appears from page 35 of the said application that petitioners again has made a representation dated 23rd June, 2020 showing his intention for amicable settlement and to resolve the dispute.

Considering these facts, I am of view that this writ petition being WPA No. 18300 of 2016 and connected application being CAN No.1 of 2020(Old CAN No. 4280 of 2020) should be disposed of by directing the Deputy Commissioner of Customs(Special Disposal Cell) Custom Port/House to consider and take a decision on final settlement. At the time of considering such settlement, Deputy Commissioner of Custom shall take into consideration the proposal made by the petitioners in his letter dated 23rd June, 2020 being Annexure K-2 to this application as well as the decision petitioners want to rely which has already been referred in order of this Court dated 26th February, 2021 in the case of **Union of India & Ors. Vs. Associated Container Terminal Limited** reported in (2020) 3 SCC 756: 2020(317) ELT 817(SC) and any other decision petitioners want to rely at the time of hearing to be given by the Custom authority for passing the final decision in the matter. Respondents/Custom authority concerned shall make an endeavor to resolve the whole

issue and take a final decision as expeditiously as possible but not beyond two months from the date of communication of this order.

(Md. Nizamuddin, J.)