

CWP-9345-2021

Date of decision: 03.05.2021.

MEHRA INDUSTRIES

...PETITIONER

VERSUS

COMMISSIONER OF CUSTOMS AND ORS.

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Deepak Gupta, Advocate
for the petitioner.Mr. Rishabh Kapoor, Senior Standing Counsel, CBIC,
for the respondents.

JITENDRA CHAUHAN J. (ORAL)

The matter has been taken up through Video Conferencing in the light of Pandemic COVID-19 situation and as per instructions.

This civil writ petition under Articles 226 & 227 of the Constitution of India has been filed for issuance of a direction to the respondents to permit the petitioner to re-export the goods without fine and penalty which are at present lying at ICD Sonipat and ICD Garhi Harsaru, Gurugram.

Learned counsel for the petitioner states that the goods are perishable and the value of the goods is approximately Rs. 3 crore. At this stage he would be satisfied, if a direction is issued to respondent No. 1-Commissioner of Customs, Inland Container Depot, Patparganj, New Delhi to decide the representation dated 27.11.2020 (Annexure P-7) expeditiously.

Heard.

We are not inclined to issue notice of motion at this stage.

However, a complete set of paper book has already been handed over to learned State counsel.

Keeping in view the fact that the goods are perishable in nature, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.1-Commissioner of Customs, Inland Container Depot, Patparganj, New Delhi to consider and decide the representation dated 27.11.2020 (Annexure P-7) expeditiously preferably within three weeks from the receipt of the certified copy of the judgment. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioner is admissible to it, in such eventuality, the consequential relief be allowed to it, within a period of three weeks thereafter, in accordance with law. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.

(JITENDRA CHAUHAN)
JUDGE

(VIVEK PURI)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No

03.05.2021

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