

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-24405-2021 (O&M)

Decided on : December 13, 2021

M/s Saturn Metals

....Petitioner

VS

Union of India and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Saurabh Kapoor, Advocate for the petitioner.

Mr.T.K.Joshi, Advocate for the respondents.

AJAY TEWARI, J.(Oral)

1. By this petition the petitioner has claimed the following reliefs

:-

i. For quashing of the seizure Memo dated 8.4.2021 (Annexure P-1) passed by respondent No.4 as well as show cause notice dated 7.10.2021 (Annexure P-16) as well as Letter No. R-11018/03/2017-PP dated 3.5.2021 (Annexure P-7) issued by respondent No.5 wherein it has been clarified that the imported Remote Electric Titling (RET) Antenna cannot be used stand alone and can be released to the petitioner.

ii. For issuance of directions to respondent No.3 to grant provisional unconditional release of goods comprising of Mixed scrap comprising of Heavy Melting Scrap, Aluminium scrap and Copper scrap imported vide Bill of Entry No. 3376663 dated 31.3.2021 and seized vide Seizure Memo dated 8.4.2021 being "Freely Importable".

iii. Issuance of direction to the respondents to issue detention and demurrage memos in terms of Regulation 6(1)

(I) of the Handling of the cargo in Customs Regulations, 2009 in respect of the goods imported vide Bill of Entry No. 4529644 Dated 9.7.2021 from the date of detention till the release of goods.

2. Reply dated 10.12.2021 has been filed on behalf of the respondents, the same is taken on record.

3. Learned counsel for the petitioner has very fairly stated that today, the petitioner would restrict only to the prayer that the goods be released subject to him paying full duty and bond for the full value of the goods of that material which is not prohibited and freely importable and he would not press the remaining prayers and would respond to the show cause notice which has been issued. He further states that as far back as on 9.10.2021 (Annexure P-12) the petitioner had moved an application for provisional release of the goods but the same has been not decided after a lapse of more than two months.

4. Learned Counsel for the respondents on the other hand has stated that the issue of provisional release can be decided by the respondents and therefore, the entire matter should be referred back to the respondents.

5. In our considered opinion, it would create an unnecessary delay because the action which is being proposed by the counsel for the petitioner would cause no prejudice to the respondents.

6. Consequently, we dispose of this petition with a direction to the respondents to provisionally release the goods subject to paying full duty and bond for the full value of the goods of that material which is not prohibited and freely importable within one week from the filing of

the undertaking by the petitioner and rest of the prayers are dismissed as withdrawn with liberty to avail alternate remedy available as per law.

7. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(PANKAJ JAIN)
JUDGE

December 13, 2021
anuradha

Whether speaking/reasoned	-	Yes
Whether reportable	-	No