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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Decided on: 6th January, 2021

+ W.P.(C) No.9383/2020 & C.M.No.30222/2020(*directions*)

MODAK DYEING AND
PRINTING CO. PVT LTD.

..... Petitioner

Through: Mr.Ashish Batra, Adv. with
Mr.Aakarsh Srivastava Adv.

Versus

COMMISSIONER OF CUSTOMS
(PREVENTIVE) & ANR.

..... Respondents

Through: Mr.Harpreet Singh, Sr.Standing
Counsel.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

1. This writ petition has been preferred with the following prayers:-

“i. *Issue a Writ in the nature of Mandamus or any other writ, order or direction to the Respondents to grant copies of Panchnama, Seizure Memo issued under section 110 of the Customs Act, 1962, Importer's copy of Test Memo, Importer's sample of the seized goods since the petitioner disputes the correctness of Test Report, Computation chart for arriving at the alleged differential*

duty, IGST, Penalties, etc and the result of the Test Reports to the petitioners in respect to Bills of Entry No. 8155078 dated 13.07.2020, 8223948 dated 20.07.2020 and 8224269 dated 20.07.2020;

- ii. *Issue a Writ in the nature of Certiorari or any other appropriate writ or order seeking quashing of the impugned Order dated 14.10.2020 issued by the respondent No. 2 under Section 110A of the Customs Act, 1962 and consequently directing the respondent to allow provisional release of the subject goods covered under Bills of Entry No. 8155078 dated 13.07.2020, 8223948 dated 20.07.2020 and 8224269 dated 20.07.2020 on such reasonable terms and condition as this Hon'ble Court may deem fit and proper."*

2. Learned counsel for the Petitioner submits that he would be satisfied if the writ petition is disposed of with a direction to the Respondents to supply the documents enumerated in prayer (i) of the writ petition.
3. Learned counsel for the Respondents, on instructions, submits that the Respondents are ready and willing to supply the said documents to the Petitioner.
4. In view of the aforesaid submissions made by the counsel for the Respondents, on instructions, the grievance ventilated by the Petitioner is redressed. Petitioner may send an Authorized Representative to the concerned officer of the Respondents, to collect the documents as enumerated in prayer (i) of the writ petition.
5. So far as prayer (ii) is concerned, the same cannot be allowed and notice was earlier issued only limited to prayer (i). In any case learned counsel for the Petitioner candidly admits that the impugned order dated

14th October, 2020 passed under Section 110A of the Customs Act, 1962 is an appealable order and the Petitioner would be filing an appeal against the said order, before the appropriate Authority, in accordance with law and thus does not press prayer (ii).

6. In view of the aforesaid, nothing further remains to be adjudicated in this writ petition and the same is, therefore, disposed of along with the pending application.

CHIEF JUSTICE

JYOTI SINGH, J

JANUARY 06, 2021
'anb'