# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Civil Writ Jurisdiction Case No.1483 of 2018**

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M/s Ayesha Export Son of late Md. Ilyas, Resident of Ayesha Manzil, Nawabganj, P.O.-Kishanganj, Dist. Kishanganj.

... ... Petitioner/s

Versus

1. The Union Of India
2. The Director General of Foreign Trade, Ministry of Commerce and Industry Department of Commerce, Ud
3. The Commissioner of Customs, Patna, Central Revenue Building 5th Floor, Bir Chand Patel Path, Patn
4. The Deputy Commissioner of Customs, Jogbani Land Customs Station, Jogbani, Distt. Araria Bihar.

... ... Respondent/s

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with

**Civil Writ Jurisdiction Case No. 17877 of 2013**

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M/s Ladoo Gopal Enterprises Son Of Sri Shambhu Nath Dev Resident Of Hasda Road, P.S. Purnia Sadar, District Purnia, Bihar.

... ... Petitioner/s

Versus

1. The Union Of India thourhg Central Board Of Excise and Customs, Niryat Bhawan, New Delhi
2. The Chief Commissioner Of Customs, Bihar, Central Revenue Building, Beerchand Patel Path, Patna
3. The Commissioner Of Customs Preventive, 5th Floor, Central Revenue Building, Beerchand Patel Path, Patna
4. The Additional Commissioner, Legal Office Of The Commissioner Of Customs, Central Revenue Building, Beerchand Patel Path, Patna
5. The Assistant Commissioner P, Division Jogbani, Bihar
6. The M/S Sri Raja Jee Enterprises Pvt. Ltd. Kidwai Nagar, P.S. Kanpur Sadar, District Kanpur, Uttar Pradesh

... ... Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No. 1483 of 2018)

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| For the Petitioner/s | : | None |
| For the Respondent/s | : | Dr. K.N. Singh, ASG |
| | | Mr. Abhijeet Gautam, JC to ASG |
| | | Mr. Amarjeet, JC to ASG |

(In Civil Writ Jurisdiction Case No. 17877 of 2013)

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| For the Petitioner/s | : | Mr.Prabhat Ranjan, Advocate |
| For the Respondent/s | : | Dr. K.N. Singh, ASG |
| | | Mr. Abhijeet Gautam, JC to ASG |
| | | Mr. Devansh Shankar, JC to ASG |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**
**and**
**HONOURABLE MR. JUSTICE S. KUMAR**
**ORAL JUDGMENT**
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 12-07-2022**

**C.W.J.C. No. 1483 of 2018**

Petitioner has prayed for the following relief(s):-

(i) For declaring the Policy condition imposed by the respondent Director General of Foreign Trade (herein after to be referred as 'the DGFT' only) vide its Notification No. S.O. 171 (E) dated 17.01.2017, in so far as it restricts the free trade of Areca Nuts (Betel Nuts) of Nepalese origin for a CIF (Cost, Insurance and Freight) value of Rs. 251/- or more per Kilogram as unconstitutional, arbitrary and viloatives of rights granted under the Constitution.

(ii) For issuance of appropriate writ/(s), order/(s) and/or direction/(s) in the nature of writ of mandamus restraining the respondent officers from stopping the entry of Areca Nuts (Betel Nuts) from Nepal to India at Jogbani Land Customs Station on the ground of value of Areca Nuts even the same is less then Rs. 251/- per Kilogram.

(iii) To grant such other consequential relief(s) to the petitioner, which this Hon'ble Court may find the petitioner to be entitled to in equity and/or in law in the facts and circumstances of the case.

Despite repeated calls, none has entered appearance on behalf of petitioner.

The petition stands dismissed for default.

**C.W.J.C. No. 17877 of 2013**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

i) To restrain from issuing the import permits for import of Betel Nuts from Nepal in to India via Jogbani Land Customs Station by respondent no. 5 in pursuance to the Notification No. 9/96-Cus (NT) dated 22.01.1996 issued under section 11 of the Customs Act, 1962 read with Section 7, 46 and 47 of the Customs Act, 1962 whereby and whereunder the import of third Country origin Betel Nuts are prohibited into India Via Nepal; and

ii) Also for a direction upon the respondents to get the Certificate of origin of the Betel Nuts verified from the independent Agencies in India about the actual origin of the Betel Nuts so that the third country origin betel nuts are not exported to India in the garb of Nepalese produces thereby claiming exemption from complete Customs Duty and Special

Additional Duty under the Customs Act.

After the matter was heard for some time, finding the Bench not to be in favour of the submission made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petition, in its present form, may be permitted to be withdrawn reserving liberty to file afresh with better particulars on the same and subsequent cause of action, if so required and desired.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

As and when such petition is filed, registry shall process it immediately and have it listed before the appropriate Court.

Also liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

Interlocutory application, if any, shall also stand disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Rajiv/veena-

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| **AFR/NAFR** | |
| **CAV DATE** | |
| **Uploading Date** | |
| **Transmission Date** | |