

14.07.2022

Sl no. 7

Ct no. 2

P.M.

WPA 12762 OF 2022

Uniglobal Papers Private Limited

- Vs -

The Commissioner of Customs (Port) & Ors.

Mr. J.P. Khaitan, Sr. adv.,
Mr. Sourav Bagaria,
Mr. Deepak Jain

... for the petitioner

Mr. Kaushik Dey,
Mr. Tapan Bhanja

... for the customs authority.

Mr. Subrata Santra

... for Union of India.

Supplementary affidavit filed by the petitioner
be kept with the record.

Heard learned advocates appearing for the
parties.

By this writ petition petitioner has challenged
the seizure of 54 containers in question on 20th April,
2022 and 21st April, 2022 on the ground that the
same have been seized long back and till date no
formal show cause notice has been issued by the
authority concerned. Petitioner submits that its
application for provisional release has not been
considered by the respondent authority concerned till
date.

Mr. Dey, learned advocate appearing for the
respondents submits that under the statute,
authorities have minimum six months time to

complete the investigation and thereafter any show cause notice, if requires, has to be issued and in this case six months has not been expired. The respondent authority concerned through their advocate has submitted an instruction dated 13th April, 2022 issued by the Assistant Commissioner of Customs, Special Investigation & Intelligence Branch (Port), Custom House, Kolkata and on perusal of which it appears that investigation is almost on the verge of completion and has made prayer of fifteen days' time for issuing show cause notice to the petitioner.

Considering the submission of the parties and the aforesaid instruction dated 13th April, 2022, issued by the respondent authority concerned, this writ petitioner being WPA 12762 of 2022 is disposed of by granting twenty days time to the respondent authority concerned to complete the investigation and to issue show cause notice within twenty days from the date of receipt of this order. Petitioner shall be entitled to take legal recourse available to it on receipt of the same.

Respondents authority concerned in the meantime shall also consider the representation of the petitioner dated 6th July, 2022 for provisional

release of consignment in question in accordance with law and by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioner or its authorized representatives.

All other points raised in this writ petition shall be deemed to have been not adjudicated.

(Md. Nizamuddin, J.)