

20.07.2022.

p.b.

Sl. No.5.

W.P.A. 14415 of 2022

Smt. Sakuntala Agarwal, Proprietor
Of M/s. Shree Balaji Industries

Vs.

Union of India & Ors.

Mr. Abhrotosh Majumder,
Mr. Arijit Chakrabarti,
Mr. Nilotpal Chowdhury,
Mr. Prabir Bera.

.....for the petitioner.

Mr. Kaushik Dey,
Mr. Tapan Bhanja.

.....for the customs authority.

Mr. S. Roy Chowdhury,
Mr. Somnath Ghoshal.

.....for the UOI,

Mr. Saurabh Guhathakurata.

.....for the respondent no.5&6.

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

Heard learned advocates appearing for the parties.

Main grievance of the petitioner in this writ petition is that the impugned order dated 14th July, 2022 passed by the respondent customs authority concerned is not sustainable in law for the reason of disregarding the earlier order of this Court dated 8th July, 2022 by which respondent authorities concerned were asked to pass the order for provisional release of seized goods in question of the petitioner by taking into consideration the office note dated 27th May, 2022 as appears at page 168 of the writ petition. On perusal of the order dated 14th July, 2022, I found that there is no reference or discussion about the

said office note which this Court had earlier directed to consider at the time of passing order on the provisional release of seized goods in question under Section 110A of the Customs Act, 1962.

Mr. Dey, learned advocate for the customs authority is not in a position to contradict such allegation of the petitioner which appears from record.

Considering the submission of the parties, this writ petition being WPA No.14415 of 2022 is disposed of by setting aside the aforesaid order dated 14th July, 2022 passed by the respondent customs authority concerned and the matter is remanded back to the office authority concerned to pass a fresh order in accordance with law and by passing a reasoned and speaking order and after giving an opportunity of hearing to the petitioner or his authorized representatives and by specifically taking into consideration the aforesaid office note dated 27th May, 2022, within 10 days from date.

It is clarified that this Court has not gone into the merit of the legality of the seizure in question.

Since this writ petition has been disposed of without calling for affidavits from the respondents, allegations contained in the writ petition shall be deemed to have been denied by the respondents.

(Md. Nizamuddin, J.)