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03.03.2022  
d.p.

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri  
Appellate Jurisdiction**

**W.P.A 37 of 2022  
(Via Video Conference)**

**Tilok Pandey  
-versus  
Union of India & Ors.**

**Ms. Sidhi Sethia.  
...For the Petitioner.**

**Mr. Tapan Bhanja,  
Mr. K.K. Maiti,  
Mr. Ratan Banik.  
...For the Respondent  
Nos. 4 and 5.**

**Mr. Sudipto Kumar Mazumdar, Asst. S.G.  
Mr. Saptak Sarkar.  
...For UOI.**

Affidavit of service filed in Court today is taken on record.

The petitioner is a resident of Nepal. He was issued a spot summon by the Superintendent of Customs, Changrabandha LCS on 1<sup>st</sup> October, 2021, under Section 108 of the Customs Act, 1962.

The petitioner, thereafter, made representations before the concerned authority and claims that documents were forwarded with regard to the trail of money which the petitioner was carrying with him.

The Superintendent of Customs, Changrabandha LCS, Siliguri Customs Division by a communication

dated 18<sup>th</sup> November, 2021 intimated the petitioner that his seizure case has already been forwarded to the Deputy Commissioner of Customs.

According to the petitioner, the same is impermissible in law.

Learned advocate representing the respondents submits that the writ petition is premature.

Six months' time is given under the Act for conducting the investigation and enquiry in the matter. As the time is not yet over for investigation and enquiry, accordingly, the writ petition is not maintainable at this stage.

Learned advocate representing the petitioner relies upon the judgment delivered by a Coordinate Bench of this Court on 17<sup>th</sup> June, 2020 in **WP 7865 (W) of 2019**, in the matter of **Menka Gambhir Vs. Union of India & Ors.** in support of her prayer that the action of the respondents in forwarding the documents of the case to the Deputy Commissioner of Customs is impermissible.

As it appears from the submissions made on behalf of both the parties that the time to complete the investigation is not yet over, accordingly, the Court is not inclined to interfere in this matter, at this stage.

The respondents are directed to take steps in the matter strictly in accordance with the provisions of Section 108 of the Customs Act.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Amrita Sinha, J.)**