

ORDER SHEET
WPO/1946/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SAMRAJ GOLD EXPORTS PVT LTD
VS
CHIEF COMMISSIONER OF CUSTOMS (KOLKATA)
AND THE ADJUDICATING AUTHORITY AND ORS

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 18th April, 2022.

Appearance:
Mr. Aniruddha Chatterjee, Adv.
Mr. Saptarshi Kumar Mal, Adv.
Mr. Asit Sohail Tarafdar, Adv.
...For the Petitioner

Mr. Kaushik Dey, Adv.
Mr. Tapan Bhanja, Adv.
...For the Customs

The Court : Heard Learned Counsel appearing for the parties.

In this matter, petitioner has challenged the seizure of gold in question seized by order dated 1st August, 2020 on the ground that petitioner is the owner of the gold in question which has been seized from its worker to whom it was handed over for making jewellery. Petitioner is willing to cooperate with the respondent authority concerned in the pending proceeding in question and pray for provisional release of the gold in question. Petitioner submits that since the proceeding has not been initiated against it and has been initiated against a third person from whom the gold has been seized and further it is not aware of as to before whom he can make appropriate application/ representation for provisional release of the goods in question.

Mr. Dey, learned advocate appearing for the respondent Customs Authority submits that for the relief of provisional release of the seized gold in question, appropriate authority is additional/Joint Commissioner of Customs (Preventive) West Bengal, Kolkata.

Considering the submissions of the parties, this writ petition being WPO 1946 of 2022 is disposed of by giving liberty to the petitioner to make appropriate application/representation before the aforesaid authority as pointed out by Mr. Dey for redressal of its aforesaid grievance within two weeks from date and if such application/representation is made by the petitioner before the Authority concerned within the time stipulated herein, the same will be considered and disposed of by the authority concerned in accordance with law and by passing a reasoned and speaking order after giving opportunity of hearing to the petitioner or its authorised representative within two weeks from the date of making such application.

With these observations and directions, this writ petition stands disposed of.

It is recorded that this writ petition has been disposed of without going into the merit of the pending adjudication proceeding in question and the respondent concerned while considering the representation of the petitioner, if filed, will act strictly in accordance with law.

(MD. NIZAMUDDIN, J.)

