

OD -5

ORDER SHEET
WPO/483/2017
IA NO: GA/1/2018
(OLD NO: GA/2580/2018)
GA/2/2019
(OLD No: GA/867/2019)
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SASMAL INFRASTRUCTURE PRIVATE LIMITED & ANR.
VS
COMMISSIONER OF CUSTOMS & ORS.

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 04TH JULY, 2022.

Appearance:
Mr. Shyamal Sarkar, Adv.
Mr. D. Mukherjee, Adv.
Ms. S. Ahmed, Adv.
..for the petitioner

Mr. B. P. Banerjee, Adv.
Ms. M. Mukherjee, Adv.
For the respondent

The Court: Heard learned advocates appearing for the parties.

The petitioner is the warehouse owner and its prayer in this writ petition is for removal and disposal of the goods in question lying at its warehouse since 2011 unclaimed by any party and petitioners pray that direction should be passed upon the respondents Deputy Commissioner of Customs (Disposal) to take immediate steps as per Section 150 of the Customs Act for removal of the unclaimed goods in question lying in its warehouse and after following the procedure under Section 150 of the

Customs Act, petitioners should be paid the amount due to it as warehouse charges.

Mr. Banerjee, learned advocate appearing for the customs authority has filed instruction in this Court, dated 24th June, 2022, issued by Appraiser, Special Disposal Cell (Port), Customs House, Kolkata, which may be kept with the record.

Mr. Banerjee submits that some of the stocks have already been removed and the balance will be removed immediately.

Considering the submission of the parties, this writ petition being WPO No.483 of 2017 is disposed of by directing the Deputy Commissioner of Customs (Special Disposal Cell) to remove the goods in question from the warehouse of the petitioner within four weeks from date either by way of auction or by way of destruction with the assistance of MSTC.

If the petitioners are not satisfied with the payment made to them from auction, if any, to be held by the customs authority, petitioners will be free to seek remedy in accordance with law before the appropriate forum.

With this observation and direction, WPO No.483 of 2017 is disposed of and the connected applications being GA No.1 of 2018 (Old No: GA No.2580 of 2018) and GA No.2 of 2019 (Old No: GA No.867 of 2019) are also disposed of.

(MD. NIZAMUDDIN, J.)