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WPO/1498/2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAMRAJ GOLD EXPORTS PRIVATE LIMITED
VERSUS
CHIEF COMMISSIONER OF CUSTOMS (KOLKATA) AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 11th January, 2022

[Via Video Conference]

Appearance:

Mr. Aniruddha Chatterjee,,Adv.

Mr. Saptarshi Kumar Mal, Adv.

Mr. Asif Sohail Tarafdar, Adv.

... for the petitioner.

Mr. Kaushik Dey, ,Adv.

... for the respondent.

The Court :- The writ petitioner is aggrieved by an order dated 6th April, 2021 passed by the Assistant Director of DRI, Government of India. By the said order, a representation for release of gold weighing 15 kilograms seized by the DRI in August, 2020 was refused. Counsel for the petitioner would submit that the refusal is illegal and arbitrary since the petitioner is not the person from whom the gold has been seized. It is further argued that the gold was seized from a person who was the petitioner's bailee and was supposed to have returned the gold back to him.

It is argued that the authority has acted arbitrarily in refusing to deal with the petitioner's application. All the petitioner wants is for his application to deal with in accordance with law.

Counsel for the respondents submits that the adjudicating authority acting under Section 110 is seized of the challenge to the show cause notice. Hence the adjudicating authority may, upon receipt of an appropriate application from the petitioner under Section 110A of the Customs Act, take a suitable decision in the matter.

In that view of the matter, this Court cannot, in any way, fault the impugned order dated 6th April, 2021. The dismissal of the writ petition, therefore, shall not, in any way, prejudice the petitioner's right to apply before the adjudicating authority under Section 110A for any remedy that may be available to him under the law.

With the aforesaid directions the writ petition is disposed of.

(RAJASEKHAR MANTHA, J.)