

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7772 of 2022

Sailendra Narayan Panda **Petitioner**

Mr. P.K. Mohanty, Advocate

-versus-

**The Chief Commissioner,
CGST & Central Excise,** **Opp. Parties**
Bhubaneswar and another

None

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (ORAL)

25.04.2022

Order No.

- 01.** 1. This matter is taken up by virtual/physical mode.
2. Petitioner claiming himself to be the L.R. of his grand-father-late Binod Bihari Panda is pursuing the matter of adjudication under the Gold (Control) Act, 1968 regarding confiscation of gold/gold ornaments recovered in a search conducted in the residential premises of Binod Bihari Panda (grand-father) on 02.04.1976. The initial adjudication by the competent authority after travelling through the proceeding of appellate authority and revisional authority landed up before this Court by way of OJC No.1891 of 1981, which was decided by a Division Bench of this Court vide judgment dated 16.07.1992. This Court vide the said judgment remanded the matter back to the adjudicating authority for a fresh adjudication.

The matter appears to have remained dormant till the Petitioner filed W.P.(C) No.28136 of 2019 seeking the release of the seized ornaments.

3. The said writ petition was disposed of vide order dated 18.02.2020 by a Division Bench of this Court directing the competent authority to decide the representation seeking such a release. It transpires that the said order led to the adjudicating authority locating the records and proceeding to adjudicate the matter in terms of the remand order passed earlier by this Court. The Petitioner fully participated in the said proceedings. The said proceedings have culminated into a fresh order in original dated 31.12.2020 (issued on 06.01.2021), whereby a demand has been raised and the confiscation of the gold items has been ordered under the provisions of the Gold (Control) Act, 1968. The issue of claim of the Petitioner-Sailendra Narayan Panda as the competent legal heir of late Binod Bihari Panda has been left open.

4. By filing the present writ petition, it is asserted that the order dated 31.12.2020 is in violation of the directions passed by this Court dated 18.02.2020, whereby the direction was only for deciding the representation seeking release of the seized gold articles.

5. After arguing at length and having failed to convince this Court on merits, learned counsel for the Petitioner prays for permission to withdraw the writ petition to enable the petitioner to seek his remedy of appeal before the competent authority under the Gold (Control) Act, 1968 in accordance with law.

6. The writ petition is dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

April 25th 2022
Cuttack

AKPradhan

