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WPA 260 of 2023

Rozina Khatun

Vs

The Chief Commissioner of Customs, Kolkata,
Customs House & Ors.

Mr. Bikash Ranjan Bhattacharjee, Ld. Sr. Adv.,
Mr. Sahid Ali Khan,
Mr. Haridas Das,
Mr. R.N. Mahato,
Mr. A.S. Ray

... For the Petitioner.

Mr. Kaushik Deh,
Mr. Tapan Bhanja

... For the Customs Authority/Respondents.

Heard learned Advocates appearing for the
parties.

By this writ petition, petitioner has prayed for
release of the confiscated gold ornaments in
question by the respondents/Customs Authority,
by contending that the redemption fine along with
penalty and payable duty imposed by the Customs
Authority has already been paid and evidence in
this regard has already been annexed to the writ
petition. Petitioner in support of her claim of
release has relied on an e-mail communication
dated 5th August, 2022, issued by the
respondents/Customs Authority which appears at
page 41 of the writ petition. Petitioner further
submits that even after the respondents' own
decision agreeing to release the confiscated gold
ornaments in question, had not released and

petitioner had made a representation on 6th September, 2022, through her Advocate to consider for release of the same which has also not been considered.

Mr. Dey, learned Advocate representing the respondents/Customs Authority opposes this writ petition by relying on Section 125(3) of the Customs Act, 1962 and contends that the redemption fine and penalty and customs duty were not paid within time.

Mr. Bhattacharya, learned senior Advocate representing the petitioner submits that the department is acting in unjustified and arbitrary manner on a technical plea for not releasing the gold ornaments in question in spite of its willingness to release the same and in spite of admitted factual position that all the payments required by the Authorities have already been paid.

It appears from record that the time when petitioner was intimated about the mode of payment and in whose Account payment has to be made and the date of payment, it is very much within time.

Considering the facts and circumstances of the case as appears from record and submission of the parties, this writ petition being WPA 260 of 2023 is

disposed of by directing the respondent/Customs Authority concerned to release the confiscated gold ornaments in question within seven days from the date of communication of this order as per request made by Mr. Dey, learned Advocate representing the respondents/Customs Authority subject to fulfillment of any other formalities which are required under the law.

(Md. Nizamuddin, J.)