

17.05.2023
PB
Sl. No.4.

WPA 7530 of 2023

Rotikanta Sardar
Vs
The Chief Commissioner of Customs,
Kolkata, Customs House & Ors.

Mr. Tanmoy Roy.
... For the Petitioner.
Mr. Kaushik Dey,
Ms. Manasi Mukherjee.
.....for the respondent.

Both the parties are present.

Petitioner has filed this writ petition being aggrieved by inaction on the part of the respondent customs authorities concerned in releasing the seized ornaments in question even after making all the payments as was asked for by the authority concerned by their modified order dated 14th March, 2022 and it appears from record that petitioner has made such payment before the expiry of 120 days from the date of the aforesaid modified order.

Mr. Dey, learned advocate representing the customs authority was asked to take specific instruction with regard to the aforesaid payment which was admittedly made as to whether it was after the expiry or before the expiry of the aforesaid modified order dated 14th March, 2022 and when the aforesaid

modified order was intimated to the petitioner. Mr. Dey, could not produce any document before this Court as per direction of this Court dated 3rd May, 2023 as to when the aforesaid modified order dated 14th March, 2022 was intimated to the petitioner to establish the fact that the aforesaid payment was made by the petitioner after the expiry of 120 days from the date of such intimation.

Considering the facts and circumstances of this case and submission of the parties and particularly taking into consideration the submission of the department, this writ petition is disposed of by directing the respondent customs authority to release the seized ornaments in question within two weeks from the date of communication of this order, subject to compliance of any other legal formalities.

With this observation and direction, this writ petition being WPA 7530 of 2023 is disposed of.

(Md. Nizamuddin, J.)