

28.06.2023.
PB
Sl. No.10.

WPA 13936 of 2023

Sunita Bissa
Vs
Assistant Commissioner of Revenue,
Bureau of Investigation, South Bengal
Howrah Zone & Ors.

Mr. Anil Kr. Dugar,
Mr. R. Chatterjee.
... For the Petitioner.

Mr. A. Ray,
Mr. T. M. Siddiqui,
Mr. S. Sanyal.
.....for the State.

Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition claiming to be the owner of the seized goods in question. Petitioner submits that proceeding has been initiated against the driver and not against the petitioner and the penalty has been imposed. Petitioner claims that he is armed with sufficient documents to establish that he is the owner of the goods in question and for release of the goods in question the adjudicating authority concerned should consider release the goods by taking into consideration the Trade Circular No.54/2018 dated 31st December, 2018 issued by the Government

of West Bengal and particularly paragraph 6 of the said circular.

Without going into the merit of the applicability of the aforesaid circular in the case of the petitioner, this writ petition being WPA 13936 of 2023 is disposed of by directing the respondent adjudicating authority concerned to consider the petitioner for release of the goods in question by taking into consideration the aforesaid circular and if it is found by the adjudicating authority that paragraph 6 of the aforesaid circular is applicable to the case of the petitioner the benefit of the said circular should be given to the petitioner. Petitioner shall approach the authority concerned with relevant documents in support of her ownership, within seven working days from date and the adjudicating authority concerned shall take a final decision after considering the said documents to be filed by the petitioner as well as by considering the applicability of the aforesaid circular in the case of the petitioner within two weeks from the date of receipt of such application of the petitioner along with all the supporting documents.

(Md. Nizamuddin, J.)

