

11.07.2023.
PB
Sl. No.3.

WPA 15493 of 2023

Krishna Lal Binani

Vs

The Chief Commissioner of
Customs, Kolkata & Ors.

Mr. Biswajit Mukherjee,

Mr. Soumyajit Mishra

... For the Petitioner.

Mr. K. K. Maiti,

Mr. Tapan Bhanja

.....for customs authority.

Mr. Aryak Dutt.

.....for the UOI.

Mr. Jagannath Ganguly.

.....for respondent nos.6-8.

Heard learned advocates appearing for the parties.

By the earlier order of this Court dated 6th July, 2023, Mr. Maiti, learned advocate appearing for the respondent customs authority was asked to take clarification from the respondent authorities concerned as to whether the duty to be paid on the provisional release of seized goods in question which petitioner has been asked to pay is on the whole seized goods or only on the goods to be released provisionally and to which Mr. Maiti, on instruction, submits that as per the system since all the goods including the goods which has not been released falls under one Bill of Entry, the same could not be segregated and for the time being petitioner will have to pay the whole duty

but petitioner will be entitled to claim for refund of the excess duty so paid on the goods which has not been released in accordance with law or the same may be adjusted at the time of final adjudication.

Considering the prayer of learned advocate appearing for the petitioner that the seized goods in question may be allowed to be inspected by Bureau of Indian Standard/respondent no.8, at his own cost, the respondent custom authorities concerned is directed to have the seized goods in question inspected by Bureau of Indian Standard/respondent no.8, in presence of both the parties and subject to the payment of inspection cost if paid by the petitioner within two weeks from the date of communication of this order. The Bureau of Indian Standard/respondent no.8, shall submit its inspection report within four weeks from the date of request for inspection made to them and the custom authorities concerned shall take into consideration the said report for the purpose of final adjudication in the matter.

Time to file reply/response to the impugned show-cause notice is extended by two weeks.

With this observation and direction, this writ petition being WPA 15493 of 2023 is disposed of.

(Md. Nizamuddin, J.)

