

3.8.2023

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WPA 17979 of 2023

Sanjay Balwani

Vs

The Chief Commissioner of Customs, Kolkata & Ors.

Ms. Biswajit Mukherjee,

Mr. Soumyajit Mishra

... For the Petitioner.

Mr. Bhaskar Prosad Banerjee,

Ms. A. Rajyashree

... For the Customs Authority.

Mr. Jagannath Ganguly

...For the Respondent Nos. 6-8.

Mr. N.L. Singhanian,

Mr. Sovan Mukherjee,

Ms. S. Chakraborty

... For the Respondent No.9.

Heard learned Advocates appearing for the parties.

Petitioner has filed this writ petition being aggrieved by the inaction on the part of the respondent/Customs Authorities concerned in considering the representation of the petitioner dated 14th March, 2023, requesting the respondents authority concerned for provisional release of the goods in question being Annexure P-9 to the writ petition. Petitioner submits that even after reminder made on 11th April, 2023, as appears at page 79 of the writ petition, till date the respondent authorities concerned has not considered the petitioner's representation for releasing of the goods in question. Petitioner also prays for allowing of Bureau of Indian Standard to allow the inspection of the goods in

question at the cost of the petitioner as per the Foreign Trade Policy.

Considering the facts and circumstances of the case and submission of the parties this writ petition being WPA 17979 of 2023, is disposed of by directing the respondent/Customs Authorities concerned to consider and dispose of the aforesaid representation dated 14th March, 2023, in accordance with law and by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioner or his authorised representative, within a period of six weeks from the date of communication of this order.

It is further directed that goods in question shall be allowed to be inspected by the Bureau of Indian Standard at the cost of the petitioner in presence of the representative of the petitioner and the Customs Authorities concerned, within two weeks from the date of communication of this order and the inspecting authority shall file its report before the Customs Authorities, within two weeks from the date of such inspection.

(Md. Nizamuddin, J.)

