

ORDER SHEET
WPO/1289/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SHYAM SUNDAR MAITY
VS
UNION OF INDIA AND ORS.

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date: 27th June, 2023.

Appearance:
Mr. Nilotpol Chowdhury, Adv.
Mr. Syed Wasim Faruque, Adv.
Mr. Prabir Bera, Adv.
Mr. Debaditya Banerjee, Adv.
Mr. Deepak Sharma, Adv.
...For the Petitioner
Ms. Sanjukta Gupta, Adv.
...For Union of India
Mr. Shiv Shankar Banerjee, Adv.
Ms. Ekta Sinha, Adv.
...For Customs Authority

The Court: Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition being aggrieved by inaction on the part of the respondent Customs Authority concerned in releasing the goods in question in spite of specific order dated 28th December, 2022 passed by the Additional Commissioner of Customs (Preventive) as appears at page 150 of the writ petition.

Mr. Banerjee, learned advocate appearing for the respondent Customs Authority very fairly submits that the aforesaid order of release has to be implemented subject to observing certain formalities. But this Court fails to understand till date why the Customs Authority concerned has not intimated the petitioner as to the formalities which are to be complied with

by the petitioner for giving effect to the aforesaid order of release of goods in question. This gesture of the Customs Authority is not appreciated.

Considering the facts and circumstances of the case and submissions of the parties, this writ petition being WPO1289 of 2023 is disposed of by directing the respondent Customs Authority concerned to intimate the petitioner within 7th July, 2023 as to what are the formalities which are required to be fulfilled by the petitioner as per law and if the petitioner fulfils those conditions which is to be intimated by the respondent Customs Authority concerned, in that event the respondent Authority concerned shall release the goods in question within three days from the date of compliance of such formalities.

With these observations and directions, this writ petition stands disposed of.

(MD. NIZAMUDDIN, J.)

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