

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 25th January, 2023*

+ **W.P.(C) 760/2023**

MAGPIE GLOBAL PVT. LTD.

..... Petitioner

Through: Mr. A.K. Prasad & Ms. Surabhi
Sinha, Advs.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vivek Goyal & Mr. Gokul
Sharma, Advs. for R-1.
Mr. Harpreet Singh & Mr. Jatin
Kumar Gaur, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE AMIT MAHAJAN

VIBHU BAKHRU, J.

CM No.2959/2023 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 760/2023

3. The petitioner has filed the present petition, *inter alia*, praying as under:

- i) that the respondents be directed to remove the above consignments from the petitioner's warehouse and vacate the same;
- ii) that the respondents be directed to accept the surrender of the warehousing licence for the said premises.

iii) that the respondents be directed to pay the warehousing charges for the above periods;”

4. The petitioner operates a public bonded warehouse located at C-152 (Basement), Okhla Industrial Area, Phase-I, New Delhi-110020. The petitioner states that the said premises were taken on rent. The petitioner is now desirous to discontinue operating the warehouse from the said premises and needs to surrender the same to the landlord. The petitioner’s predicament is that there are three consignments stored at the said premises, which require to be removed to enable the petitioner to hand over vacant possession of the premises to the landlord. Two consignments comprise of beer that were imported in the year 2007; and, one consignment comprises of polyester knitted fabrics that were imported in the year 2008.

5. The importers have not been paying the warehouse charges. It is stated that the person who had imported the consignment of polyester knitted fabrics is also not traceable.

6. The present petition was listed before this Court on 21.01.2023 and on that date this Court had passed the following order:

“1. The petitioner has filed the present petition, *inter alia*, seeking a direction to the respondent to remove the consignment from the petitioner’s warehouse and vacate the same. The petitioner is concerned in respect of two consignments of goods that have been warehoused in his warehouse located at C-152 (Basement), Okhla Industrial Area, Phase-1, New Delhi-110020. The first consignment is of beer, which was imported in the year 2007. Obviously, the shelf life of the said product has long since expired and the goods are required to be destroyed. The second consignment is of polyester knitted fabrics imported in the year 2008. The importer has since

discontinued paying any warehouse charges and, according to the petitioner, is not traceable.

1. The learned counsel appearing for the respondent seeks time to take instructions.
2. List on 25.01.2023.”

7. Mr. Harpreet Singh, learned counsel appearing for the respondent no.2, states that insofar as the consignments of beer are concerned, the same are required to be destroyed.

8. The respondents shall take immediate steps for ensuring that the said goods (beer) are removed from the warehouse of the petitioner and destroyed as expeditiously as possible in accordance with law. In any event, the goods would be removed from the warehouse within a period of one week from today.

9. Insofar as the consignment of polyester knitted fabrics is concerned, Mr. Singh, on instructions, states that the process for disposal of the same has already commenced and the same would be completed within a period of eight weeks from today. The respondents are bound down to the said statement.

10. Insofar as the petitioner's prayer for directing payment of warehouse charges is concerned, it is seen that the primary liability to pay the same rests with the importer, who is not a party to the present petition.

11. In this view, we consider it apposite to dispose of the present petition by directing that the goods be disposed of in terms of the directions as well as the statement made on behalf of the respondents, as noted above.

12. The consignment of polyester knitted fabrics would be disposed of/auctioned as expeditiously as possible but, in any event, within a period of eight weeks from today.

13. It is further directed that if the respondents are unable to comply with their statement of disposing of polyester knitted fabrics within a period of eight weeks from today, they shall ensure that the goods are removed from the warehouse of the petitioner within the said period. In any event the petitioner will be placed in a condition so as to enable it surrender the vacant premises to the landlord, within the said period.

14. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

AMIT MAHAJAN, J

JANUARY 25, 2023
'gsr'