IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1049 of 2022

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M/s S.S. Trading Company A proprietorship firm having its place of business at 11. 140, C-227, Ward number 71, Noorpur, Simli, Murarpur, Malsalami, Patna City, Patna Bihar - 800008 through its proprietor namely Sanyam Sultania Male aged about 26 Years son of Rajkumar Sultania, resident of Ghagha Gali, Chowk, Patna city, Patna, Bihar - 800008.

... ... Petitioner/s

Versus

1. The Union of India Through the Commissioner Customs (preventive), central revenue building, Birchand Patel Path, Patna- 800014.
2. The Commissioner Customs (preventive), central revenue building, Birchand Patel Path, Patna - 800014.
3. The Assistant Commissioner (Disposal) Customs (Preventive), Headquarters, fifth floor, central revenue building, Bir Chand Patel Path, Patna - 800001.
4. TheDirector - General of Revenue Intelligence, Directorate of revenue intelligence, New Delhi.
5. The Additional Director - General, DRI, Lucknow Zonal Unit, 2/31, Vishal Khand, Gomati Nagar, Lucknow - 226010.
6. The Deputy Diector, DRI, Patna Regional Unit, Malyanil, Malyanil, Budh Colony, Main Road, Patna - 800001.
7. The Senior Intelligence Officer cum Investigating Authority, Directorate Of Revenue Intelligence, Regional Unit, Malyanil, Budha Colony, Main Road, Patna - 800001.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Adv.

For the Respondent/s : Mr.Dr. K.N. Singh, ASG

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

13 25-09-2024 In the instant petition, petitioner has prayed for the following reliefs :-

> *"a) For holding and a declaration as regards the auction of the petitioner's stock*

of business goods carried out by the Customs Headquarters Patna represented by the respondent number 1 to 3 to be illegal, arbitrary, unreasonable and wholly without jurisdiction;

b) For issuance of a writ in the nature of certiorari for quashing of the entire proceeding initiated by the respondents including the seizure of the stock of business goods belonging to the petitioner and its detention and for further directing the respondents to ensure release of the petitioner's stock of business goods as neither the goods of the petitioner happened to be dutiable nor prohibited items in terms of the provisions of the Customs Act, 1962 nor confiscable;

c) For further restraining the respondents from finalizing the auction sale of the stock of business goods belonging to the petitioner in favour of the purchaser and also for an order of restrain against the respondents from handing over of physical possession of such items to the auction purchaser during the pendency of the present writ application;

d) For further restitution of the petitioner to its initial status as regards the rights and entitlement to the stock of business goods illegally, unreasonably and arbitrarily *removed by the respondents from business premises of the petitioner in gross violation of the provisions of the Customs Act, 1962;*

e) For grant of any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case."

2. During pendency of the present petition, petitioner's appeal was decided on 28.11.2023 in his favour, which has been brought on record by means of supplementary affidavit.

3. In view of later development, the petitioner is entitled to consequential benefits. In this regard, petitioner has not approached the concerned authority by means of representation or application. In the absence of exhausting such remedy, this Court cannot mould the relief and direct the concerned authority to redress the consequential grievances of the petitioner in light of order dated 28.11.2023 of the appellate authority-Commissioner. Therefore, petitioner is permitted to approach the concerned authority/competent authority insofar as consequential benefits on account of order dated 28.11.2023 passed by the appellate authority-Commissioner. If such application or representation is submitted before the competent authority, the competent authority shall pass a detailed speaking order and also analyze the matter and extend whatever monetary

benefits which is admissible to the petitioner in accordance with law. Such a decision shall be taken by the competent authority within a period of three months from the date of receipt of petitioner's representation/application.

4. With the above observations/directions, present writ petition stands disposed of. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

mcv/-

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