

24.01.2024
PB
Sl. No.3.

WPA 28515 of 2023

Kader Hussain
Vs
Union of India & Ors.

Mr. Rudra Dev Bagchi.
... For the Petitioner.
Mr. B. P. Banerjee,
Mr. Tapan Bhanja.
.....for the customs authority.
Mr. Tilak Mitra,
Mr. Amit Sharma.
.....for the UOI.

Heard learned advocates appearing for the parties.

By the order dated 15th January, 2024, Mr. Banerjee, learned advocate representing the customs authority was asked to take instruction from the officer concerned of the customs department on the feasibility of provisional release of alleged smuggled seized goods in view of the petitioner's readiness and willingness to pay the custom duty and other relevant charges, to which Mr. Banerjee submits that petitioner will have to make an application as per statutory provision under Section 110A of the Act before the customs authority concerned instead of making any prayer for release of the goods in question.

Considering such submission of Mr. Banerjee, this writ petition being WPA 28515 of 2023 is disposed of by granting liberty to the petitioner to make application under Section 110A of the Customs Act, 1962 in proper form and in accordance with law within a week and if such application is made by the petitioner within the time stipulated herein, the respondent customs authority will consider the said application for provisional release of the goods in question and take a decision by passing reasoned and speaking order within two weeks from the date of receipt of such application. Needless to mention that before taking any final decision on the aforesaid application to be made by the petitioner, he or his authorized representative shall be given opportunity of personal hearing. It is also expected that the authority concerned shall initiate the appropriate proceeding if it has not been initiated and shall expedite the proceeding.

(Md. Nizamuddin, J.)