

ORDER SHEET
WPO/269/2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

JS JEWELS PVT LTD
VS
COMMISSIONER OF CUSTOMS (PREVENTIVE), WB KOLKATA

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date: 8th April, 2024.

Appearance:
Mr. Mainak Bose, Adv.
Mr. Talay Siddiqui, Adv.
Mr. Neeraj Kumar Pandey, Adv.
Mr. Shakeel Mohammed Akhter, Adv.
...For the Petitioner
Mr. K.K. Maiti, Adv.
Mr. Tapan Bhanja, Adv.
...For the Customs Authority

The Court: Heard learned advocates appearing for the parties.

By this writ petition, petitioner has made a very innocuous prayer for direction upon the respondent Customs Authority concerned to release the seized gold in question to the petitioner in terms and conditions imposed by the learned Tribunal which according to the petitioner, the respondents are not implementing and complying and there is no provision for approaching the learned Tribunal for violation of its order or for implementation of its order.

Mr. Maiti submits that respondents have challenged the impugned order of the Tribunal by way of statutory appeal before this Court but he could not produce any order of stay of the same, and as such on date the impugned order of the Tribunal is very much effective and in force and is binding upon the authority being subordinate authority to the Tribunal.

Considering the facts and circumstances of the case, this writ petition being WPO 269 of 2024 is disposed of by directing the respondent Customs Authority concerned to release the seized gold in question in favour of the petitioner by giving effect to the order of the learned Tribunal dated 20th February, 2024 on terms and conditions imposed by the learned Tribunal, within seven working days from the date of communication of this order.

(MD. NIZAMUDDIN, J.)

TR/

