

WPO/1064/2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

NAND KISHORE SHAH.

-VERSUS-

UNION OF INDIA AND ORS.

BEFORE :
THE HON'BLE JUSTICE RAJARSHI BHARADWAJ
Date: 19th December, 2024

Appearance :

Mr. Nilotpal Choudhury, Adv.

Mr. Debditya Banerjee, Adv.

Mr. Syed Wasim Farque, Adv.

Mr. Deepak Sharma, Adv.

...for the petitioner.

Mr. Smarajit Roychowdhury, Adv.

...for the UoI.

Mr. Kaustav Kanti Maiti, Adv.

Mr. Ankindya Kanan, Adv.

Mr. Dhironatto Choudhury, Adv.

...for the Customs Authority.

The Court :- Affidavit of service filed in Court is taken on record.

Learned counsel appearing for the petitioner submits that on 15th July, 2024 learned Tribunal held as follows:

“... the gold in question cannot be confiscated. Consequently, the confiscation of gold in this case is set aside and no penalty is impossible on the appellant.

In view of this, I set aside the impugned order qua confiscation of gold and imposing the penalty on the appellant.”

Learned counsel further prays for release of the gold by the Additional Commissioner of Customs (Preventive), Barasat Customs Division, CC(P), W.B.

Learned counsel for the respondent authorities submits that the subject CESTAT Final Order No.76292/2024 dt.15.07.2024 in respect of Order-in-Appeal No.Kol/CUS/CCP/AKR/846/2021 dated 10.12.2021 which was arisen out of Order-in-Original No.13/ADC/CUS(P)/WB/20-21 dated 19.08.2020 has been accepted by the competent authority on 18.08.2024 vide e-file no: GEN/REV/TRIB/1058/2024 – Rev-O/o Commr-Cus-Prev-Kolkata. The written instruction filed by the respondent authorities are also taken on record.

Heard learned counsel for the parties. The respondent no.3, in the instant application is requested to comply with the order dated 15th July, 2024 passed by the learned Tribunal within one month from date.

Accordingly, WPO/1064/2024 is disposed of without any order as to costs.

(RAJARSHI BHARADWAJ, J.)