



103+236

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CM-12932-CWP-2024 in/and  
CWP-2040-2021 (O&M)  
*Date of Decision: 27.08.2024*

**FIBERIL TEX PVT. LTD.** .....Petitioner

V/s.

**UNION OF INDIA AND OTHERS** .....Respondents

**CORAM:** **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**  
**HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Rose Gupta, Advocate with  
Ms. Neha Mahajan, Advocate,  
Ms. Garima Modi, Advocate and  
Ms. Hardeep Kaur, Advocate for the petitioner.

Ms. Shazia K. Singh, Advocate  
for the applicant-respondent No.6 in CM-12932-2024.

\*\*\*

**SANJEEV PRAKASH SHARMA, J. (Oral)**

**CM-12932-CWP-2024**

1. Application is allowed and Annexure A-3 is taken on record.

**CWP-2040-2021**

2. On 29.04.2021, this Court has passed the following order:-

*“This is an application filed by the applicant-petitioner  
thereby seeking directions to the respondents to release the entire  
export consignment of Non-Woven 25 GSM Fabric, urgently  
required in this ongoing Corona pandemic and exempting the  
payment of demurrage warehouse, port and shipping line charges,  
for the time being.*

*Learned counsel for the applicant-petitioner contends that  
petitioner has given personal bonds amounting to Rs.8,00,00,000/-  
and bank guarantee amounting to Rs.25,00,000/- to the  
respondents.*



*Notice of the application.*

*Mr. S.P. Jain, Additional Solicitor General of India, assisted by Mr. Rishabh Kapoor, Senior Panel Counsel, accepts notice on behalf of the respondents No.1 to 5 & 8, and seeks time to file reply.*

*Since the petitioner has already given personal bonds amounting to Rs.8,00,00,000/- and bank guarantee amounting to Rs.25,00,000/-, the goods of the petitioner be released without charging demurrage warehouse, port and shipping line charges and the said release of goods will be subject to final decision of this writ petition.*

*After release of the goods, the petitioner will participate in the enquiry, which is to be conducted by the Department.*

*Accordingly, the instant application stands disposed of.*

*Registry is directed to list the main case on 18.08.2021.*

*Reply, if any, be filed in the meantime, with advance copy to the counsel opposite.”*

3. It appears that respondent No.9, has thereafter, in compliance of the Court’s orders, released the goods and the same was noticed by this Court vide order dated 29.05.2023 which reads as under:-

*“Issue notice of the application (C.M No. 6668-CWP-2021).*

*On asking of the Court, Ms. Neha Mahajan, Advocate, accepts notice on behalf of the non-applicant/petitioner.*

*After going through the contents of the application, the same is allowed and the present applicant is impleaded as respondent No. 9 in the present petition. Amended memo of parties is taken on record.*



*Learned counsel for respondent No. 9 can file reply to the main petition.*

*Learned counsel for respondent No. 9 states that the goods have been released, however, shipping detention charges have not been paid to respondent No. 9. Learned counsel for respondent No. 9 states that along with goods, 10 containers have also been taken by the petitioner.*

*In view of the above, a direction is given to the petitioner to return above 10 containers to respondent No. 9.”*

4. It has, later on, come on record that the containers have also been returned back to respondent No.9. To the surprise of this Court, learned counsel for the petitioner has come up with a new plea today stating that the locks of the containers were not opened and therefore, the goods could not be taken from the containers which does not seem to be plausible to us. Once the Court noticed on 29.05.2023 that the goods has been released and the containers have also been taken back by the petitioner, there is no occasion for returning back containers with the goods inside.

5. The plea of the petitioner is found to be without basis. We find that the instant Writ Petition filed by the petitioner was only to the effect of praying for releasing of the goods which has already been released as noticed earlier.

6. Respondent No.6 has filed an application placing on record the details of the demurrage charges upto the date of release of the goods. The goods had been released by this Court on giving personal bonds of ₹8 Crores and Bank Guarantee of ₹25 Lakhs.



7. No other counsel appears for the respective respondents to contest this case. In view of above, we do not deem it appropriate to keep this case pending and in terms of the order dated 29.04.2021 passed by this Court, we dispose of this Writ Petition as the substantial relief has been granted to the petitioner. Since, the goods have remained with the respondents before the same were released, the shipping detention charges and the demurrage charges have to be paid and the petitioner cannot escape from the said liability. The petitioner was already asked by this Court to submit a bond to the said effect while passing order dated 29.04.2021 (Supra).

8. In view of the above, we direct that the respondents may recover the amount of demurrage charges from the petitioner on the basis of the bond already filed by it in terms of the directions of this Court.

9. The Writ Petition stands disposed of accordingly.

10. All pending applications filed in this case shall stand disposed of accordingly.

[SANJEEV PRAKASH SHARMA]  
JUDGE

August 27, 2024  
Ess Kay

[SANJAY VASHISTH]  
JUDGE

|                             |   |     |   |    |
|-----------------------------|---|-----|---|----|
| Whether speaking / reasoned | : | Yes | / | No |
| Whether Reportable          | : | Yes | / | No |