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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9245/2024**

MUKESH KUMAR JANGIRPetitioner

Through: Mr. Vijay Kanth, Adv.

versus

THE COMMISSIONER OF CUSTOMS & ANR.

.....Respondents

Through: Mr. Gibran Naushad, SSC.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **05.09.2024**

1. Bearing in mind the limited nature of the controversy which stood raised in the writ petition, we had directed Mr. Naushad to obtain instructions. On the basis of the instructions so provided by the respondents, learned counsel submits that although originally an application was moved on 29 March 2024, the same was not taken into consideration since it was not accompanied by a valid authorization. It was further submitted that the subsequent representation for redemption was made on 24 May 2024 and thus falling beyond the maximum period prescribed under Section 125(3) of the **Customs Act, 1962**¹.

2. We however note from the material placed on the record that along with the representation, the petitioner is also stated to have submitted a Vakalatnama authorizing its counsel to take the proceedings for redemption and payment of redemption fine further.

¹ Act



3. In that view of the matter, we find ourselves unable to countenance the stand of there being no authorisation.
4. We accordingly direct the competent authority to take into consideration the application dated 29 March 2024 and subject to the petitioner complying with all conditions as specified in the Order-in-Original dated 19 December 2023, the prayer for redemption and release may be duly examined and disposed of with due expedition.
5. In view of the aforesaid, the detained goods may be allowed to be redeemed for re-export purposes subject to the petitioner appearing in person before the competent authority.
6. The writ petition stands disposed of in the aforesaid terms.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

SEPTEMBER 5, 2024/*neha*