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

+ **W.P.(C) 9291/2024**

M/S M K OVERSEAS

.....Petitioner

Through: **Ms. Vidushi Shubham and Mr.
Anubhav Gupta, Advocates.**

Versus

**THE ADDITIONAL DIRECTOR
GENERAL & ANR.**

.....Respondents

Through: **Mr. Harpreet Singh, SSC with
Ms. Suhani Mathur, Advocate.
Mr. Satish Agarwal, Advocate
for R-5.**

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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10.07.2024

CM APPL. 38099/2024 (Ex)

Allowed, subject to all just exceptions.

This application stands disposed of.

W.P.(C) 9291/2024 & CM APPL. 38100/2024 (for interim relief)

1. The writ petition has been preferred seeking the following reliefs:-

“(a) Issue a Writ of Certiorari or any other appropriate writ, order or direction thereby quashing Seizure Memo F. No. DRI/ HQ-CIIA-Cell/ 50D/ Enq-07/ 2023/1045 dated 30.05.2024 issued by Ld. Respondent No. 1, after illegal detention of the goods for almost six months from the date of import of the goods; and/or
b) Issue a Writ of Certiorari or any other appropriate writ, order or direction thereby quashing the Extension Letter F. No. DRI/ HQ-CIIA-Cell/ 50D/ Enq-20/ 2023/11121-1127 dated 12.06.2024 issued under Section 110(1) of the Customs Act, 1962 extending period for issuance of Show Cause Notice under Section 124 of the



Customs Act, 1962; and/or

(c) Issue a Writ of Mandamus or any other appropriate writ, order or direction to Ld. Respondent No. 1 to issue NOC for release of the goods covered under Bills of Entry No. 8667782 dated 07.11.2023, 8777958 dated 15.11.2023 & 8960882 dated 27.11.2023 and further direct Ld. Respondent No. 2 to release the goods on the payment of payable customs duty, after taking into consideration the deposited amount of Rs. 25lacs, in a time bound manner; and/or

(d) Issue a Writ of Mandamus or any other appropriate writ, order or direction to Ld. Respondent No. 2 to issue a certificate/ direction to the custodian to not collect the demurrage and detention charges from the Petitioner in terms of the provisions of Regulation 6(1)(1) of the Handling of Cargo in Customs Area Regulations, 2009 and Rule 1 0(1) of the Sea Cargo Manifest and Transshipment Regulations, 2018; and/or

(e) Issue a Writ of Certiorari for producing all the relevant documents pertaining to the case; and/or

(f) In the alternative, issue a Writ of Mandamus or any other appropriate writ, order or direction to Ld. Respondent No. 1 & 2 to release the goods on provisional basis in a time bound manner, on the conditions deemed fit by this Hon'ble Court, after taking into consideration the deposited amount of Rs. 25lacs; and/or

(e) Pass such other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in favour of the Petitioner.”

2. Presently, however, what is pressed before us is the disposal of an application seeking provisional release of the goods and which is dated 14 June 2024.

3. Mr. Aggarwal, learned counsel representing the first respondent, states that subject to verification of all facts and contentions on merits being kept open, the aforesaid application shall be duly examined and disposed of in accordance with law and with due expedition. The statement so made is recorded and accepted.

4. Insofar as the challenge to the seizure is concerned, we reserve the right of the writ petitioner to raise those contentions at an appropriate stage.



5. The writ petition stands disposed of.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

JULY 10, 2024/vp