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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10868/2015**

ALBATROSS SHIPPING LIMITEDPetitioner

Through: Mr. Biju Joseph, Mr. Hardik Vashisht,
Mr. Ashly Prakash, Mr. Taranjeet
Phul, Advs

versus

THE ASSISTANT COMMISSIONER OF CUSTOMS AND ORS.

.....Respondents

Through: Ms. Anushree Narain, Sr. Standing
Counsel with Mr. Ankit Kumar, Adv
for Customs (M:9910014337)
Mr. Satish Aggarwala, Sr. Standing
Counsel for DRI.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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23.12.2024

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, for issuance of a writ in the nature of Mandamus seeking direction to the Respondents to release the Containers back to the Petitioner.
3. The Petitioner is a privately owned shipping company dealing with containerized transportation of cargo. It is stated that for the purpose of transportation of cargo, the Petitioner company uses leased containers. It is the case of the Petitioner that the containers of the Petitioner were seized by Respondent No. 3 in the year 2003 and not released. The Petitioner is stated to have filed multiple letters to the Respondents and informing the Respondents that the containers ought to be released in respect of Section 48



read with Section 150 of the Customs Act, 1962. However, the containers were not released and thus the present petition was filed.

4. Ms. Anushree Narain, Id. Sr. Standing Counsel for the Respondent No. 1 states that the containers now stand released.

5. Ld. Counsel on behalf of the Customs Department submits that there were three containers, in respect of which, orders were passed and all three containers were sanctioned for release. Two out of three of the containers are stated to have been returned. However, in respect of one of the containers, it is stated to be lying in the port as the shipping line has not taken the delivery.

6. Since the Customs Department has no objection to the release of the said Container, the Petitioner is free to take the delivery of the same.

7. The writ petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

DECEMBER 23, 2024

Rahul/gs/bh