$~19, 21 to 26, 28 & 29

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

Date of decision: 23rd December, 2024

\+ **W.P.(C) 945/2014**

MAERSK LINE INDIA PRIVATE LIMITED .....Petitioner

Through: Mr. Aditya Rathee, Adv (M:9711872737)

versus

UNION OF INDIA & ORS. .....Respondents

Through: Ms. Anushree Narain, Sr. Standing Counsel with Mr. Ankit Kumar, Adv for Customs (M:9910014337)
Mr. Rishi K. Awasthi, Mr. Piyush Vatsa, Mr. Avinash Ankit, Mr. Rahul Kumar Gupta, Advs for R-2/CONCOR
Mr. Satish Aggarwala, Sr. Standing Counsel for DRI
Mr. Amit Tiwari CGSC with Mr. Ayush Tanwar, Adv for UOI

WITH

\+ **W.P.(C) 9798/2015**

ALBATROSS SHIPPING LIMITED .....Petitioner

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

versus

THE DEPUTY COMMISSIONER OF CUSTOMS AND ANR .....Respondents

Through: Ms. Anushree Narain, Sr. Standing Counsel with Mr. Ankit Kumar, Adv for Customs (M:9910014337)
Mr. Rishi K. Awasthi, Mr. Piyush Vatsa, Mr. Avinash Ankit, Mr. Rahul Kumar Gupta, Advs for R-2/CONCOR

22 WITH
+ **W.P.(C) 648/2016**
TRANS ASIAN SHIPPING SERVICES (P) LIMITED
.....Petitioner
Through: Mr. Biju Joseph, Mr. Hardik Vashisht, Ms. Ashly Prakash, Mr. Taranjeet Phul, Advs

versus

THE DEPUTY COMMISSIONER OF CUSTOMS AND ANR
.....Respondent
Through: Ms. Anushree Narain, Sr. Standing Counsel with Mr. Ankit Kumar, Adv for Customs (M:9910014337)
Mr. Rishi K. Awasthi, Mr. Piyush Vatsa, Mr. Avinash Ankit, Mr. Rahul Kumar Gupta, Advs for R-2/CONCOR

23 WITH
+ **W.P.(C) 677/2016**
TRANS ASIAN SHIPPING SERVICES (P) LIMITED
.....Petitioner
Through: Mr. Biju Joseph, Mr. Hardik Vashisht, Ms. Ashly Prakash, Mr. Taranjeet Phul, Advs

versus

THE ADDITIONAL COMMISSIONER OF CUSTOMS AND ORS.
.....Respondents
Through: Ms. Anushree Narain, Sr. Standing Counsel with Mr. Ankit Kumar, Adv for Customs (M:9910014337)
Mr. Rishi K. Awasthi, Mr. Piyush Vatsa, Mr. Avinash Ankit, Mr. Rahul Kumar Gupta, Advs for R-2/CONCOR
Mr. Satish Aggarwala, Sr. Standing

Counsel for DRI.

24 WITH

\+ **W.P.(C) 2580/2018, CM APPL. 10590/2018 & CM APPL. 19619/2018**

MSC AGENCY (INDIA) PVT. LTD. .....Petitioner

Through:

versus

UNION OF INDIA AND ORS. .....Respondents

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

Ms. Anju Gupta & Mr. Roshan Lal Goel, Advs for UOI/R-1 (M:9654169406)

Mr. Rishi K. Awasthi, Mr. Piyush Vatsa, Mr. Avinash Ankit, Mr. Rahul Kumar Gupta, Advs for R-2/CONCOR

25 WITH

\+ **W.P.(C) 4169/2014**

CMA CGM AGENCIES (INDIA) PVT. LTD. .....Petitioner

Through:

versus

UNION OF INDIA & ORS. .....Respondents

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

Mr. Rishi K. Awasthi, Mr. Piyush Vatsa, Mr. Avinash Ankit, Mr. Rahul Kumar Gupta, Advs for R-2/CONCOR

Mr. Amit Tiwari CGSC with Mr. Ayush Tanwar, Adv for UOI

26 WITH

\+ **W.P.(C) 4207/2014**

HYUNDAI MERCHANT MARINE INDIA PVT LTD.

.....Petitioner

Through: Mr. Premtosh K. Mishra, CGSC with Mr. Manish Vashist & Ms. Sanya Kalsi, Advs for R-1/UOI

versus

UNION OF INDIA & ORS. .....Respondents

Through: Ms. Anushree Narain, Sr. Standing Counsel with Mr. Ankit Kumar, Adv for Customs (M:9910014337)
Mr. Rishi K. Awasthi, Mr. Piyush Vatsa, Mr. Avinash Ankit, Mr. Rahul Kumar Gupta, Advs for R-2/CONCOR

28 WITH

\+ **W.P.(C) 13099/2018 & CM APPL. 50863/2018**

HYUNDAI MERCHANT MARINE INDIA PVT LTD .....Petitioner

Through: Appearance not given.

versus

UNION OF INDIA & ORS .....Respondents

Through: Ms. Anushree Narain, Sr. Standing Counsel with Mr. Ankit Kumar, Adv for Customs (M:9910014337)
Mr. Rishi K. Awasthi, Mr. Piyush Vatsa, Mr. Avinash Ankit, Mr. Rahul Kumar Gupta, Advs for R-2/CONCOR
Mr. Satish Aggarwala, Sr. Standing Counsel for DRI

29 AND

\+ **W.P.(C) 9989/2019**

M/S HAPAG LIYOD INDIA PVT. LTD. THROUGH ITS AR RINKU VATS. .....Petitioner

Through:

versus

UNION OF INDIA AND ORS. .....Respondents

Through: Ms. Anushree Narain, Sr. Standing Counsel with Mr. Ankit Kumar, Adv for Customs (M:9910014337)
Mr. Rishi K. Awasthi, Mr. Piyush Vatsa, Mr. Avinash Ankit, Mr. Rahul Kumar Gupta, Advs for R-2/CONCOR

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The present petition has been filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the Respondents to release various containers (hereinafter "*subject containers*") containing imported consignments that have not been released to the respective Petitioners for various reasons.

3. It is the case of the Petitioners that the subject containers have been held up by the Respondents being the Customs Department as also the Container Corporation of India Limited (hereinafter "*CONCOR*"). It is stated that present petitions have been filed and are pending since 2014 and despite various representations made by the Petitioners in their respective matters, the Customs Department has till date not released the subject containers. Hence, the Petitioners have preferred the present petitions.

4. These petitions raise several issues, *inter alia,* as to the clearance of subject containers and the manner and mode in which the goods contained therein are to be disposed of. Another issue raised in the present petition is

whether any handling charges are to be paid to CONCOR or not for clearing the subject containers.

5. From time to time, several orders have been passed by this Court. On 7th September, 2015, the Court was informed that in ***W.P.(C) 945/2014*** out of 39 subject containers, 14 containers have been released to the Petitioner. The Court was further informed that the remaining subject containers are in the custody of CONCOR and since the concerned importer has neither taken the consignment nor paid the duty/charges applicable on the import of the same, the said containers cannot be released without auctioning the consignments therein, as per law. The relevant portion of the order dated 7th September, 2015, is extracted hereunder:

> *"2. **The counsel for the respondent No. 1 UOI states that of the 39 containers, subject matter of this petition, 14 have been released and the balance containers are in the custody of respondents No.2&3 CCIL**.*
>
> *3. **The counsel for the respondents No.2&3 CCIL states that the importer has not got the goods contained in the containers released and not paid the duty and other charges and steps have to be taken for the auction of the goods, after obtaining 'No Objection Certificate' (NOC) from the Custom Authority and the containers cannot be released before that**.*
>
> *4. The right of the respondents No.2&3 CCIL to so detain the containers has been enquired into.*
>
> *5. Though the counsel for the respondents No.2&3 CCIL states that there are rules in this regard but has not filed affidavit, insptie of being served on 22nd July & 31st July, 2015.*

*6. **<u>The respondents No.2&3 CCIL ought to have shown some expediency in the matter. This petition itself has been pending in this Court for more than one and a half years. It prima facie appears that the containers cannot be so withheld indefinitely, while the respondents No.2&3 CCIL and the Custom Authorities go about their task</u>**."*

6. On 27th February, 2018, the ld. Single Judge of this Court, while considering the present batch of petitions directed the Customs Authorities to file a comprehensive report detailing specifications *qua* each Petitioner and the time frame within which the respective containers would be de-stuffed and released to the concerned Petitioner. The relevant portion of the Order dated 27th February, 2018 reads as under:

> *"2. Under the provisions of Section 48 read with Section 150 of the Customs Act, the Customs Authority, I am told, is entitled to issue a No Objection Certificate (NOC) to the Container Corporation of India to enable them to de-stuff the container and sell the items contained therein.*
>
> *3. I am further informed that in certain cases, materials contained in the container are hazardous and therefore, requisite safety measures will have to be taken.*
>
> *4. **<u>Importers have clearly abandoned the goods stored in containers. Resultantly, petitioners/ transporters are suffering, for no fault of theirs being unable to use the containers for business purposes over long periods of time</u>**.*
>
> *5. Given these circumstances, in my view, **<u>the problem at hand has to be sorted out by the Customs Authority by interfacing with Container Corporation of India. The Customs Authority will have to find requisite means to</u>***

__de-stuff the containers so that the petitioners' containers are released to them__. I am told that in some cases, containers are lying in the designated premises since 1996. __This is an alarming situation, insofar as those containers are concerned, which have hazardous items stored in them__.

6. __The Customs Authorities are, thus, directed to file a comprehensive report with this court which will detail out specifications vis-a-vis each petitioner and also the time frame within which they would de-stuff the container(s) and release the same to the concerned petitioners__.

7. For this purpose, Commissioner of Customs will convene a meeting with the Chief General Manager and the Executive Director.

7.1 Needful will be done within the next two weeks.

8. Renotify the matter on 11.5.2018.

9. These directions will apply mutatis mutandis to the Central Warehousing Corporation (CWC) as well.

10. __It is made clear that in cases where a "clear" NOC has already been issued, those containers would be de-stuffed immediately and the container will be released to the concerned party within four weeks from today__."

7. Thereafter, on 30th January, 2019, the ld. Single Judge had passed several directions to the Customs Authorities as also CONCOR in respect of de-stuffing of the subject containers. The directions of the ld. Single Judge in order dated 30th January, 2019, are extracted hereunder:

"4. In this regard, it is directed that in all cases where goods have been detained by the Custom Authorities or

any of its agencies, the concerned Custom Authorities shall take necessary steps for removing the goods from the containers and warehousing them either on their own or by issuing NOC to the CONCOR for auctioning of the said goods. In cases where goods have been detained on account of the involvement of other agencies such as police authorities or on account of investigation by officers of the Directorate of Revenue Intelligence, the concerned Custom Authorities shall give due notice to those said authorities. They shall be entitled to take such measures instead of the said goods within a period of three months failing which, on the strength of this order, CONCOR shall take necessary steps for removal of the goods from the said container and to warehouse them separately.

5. It is clarified that CONCOR is not precluded to recover the costs of warehousing if otherwise entitled, in accordance with law. It is clarified that this Court has not entered into such controversy whether cost can be recovered from the shipping lines. The said question is open and the CONCOR is entitled to take such steps in accordance with law. However, containers cannot be withheld and are required be released.

6. In those cases where NOC have been granted by the Customs Authorities, CONCOR shall do the needful for releasing of the containers within a period of three months from today."

8. Further, on 01st August, 2019, the Court had passed further directions specific to the lead petition being ***W.P. (C) 945/2014*** and the same are extracted here:

"2. The present petition relates to 39 containers, which are stated to be in the possession of the Container Corporation of India Limited (CONCOR). It is stated

that sixteen, containers had already been handed over to the petitioner; seven containers did not arrive at ICD Tughlakabad; two containers had initially arrived at ICD Tughlakabad but were later on forwarded to Mumbai; and the balance are pending clearance.

3. The learned counsel appearing for CONCOR seeks time to take instructions with regard to seven containers. Insofar as the remaining fourteen containers are concerned, the learned counsel appearing for Customs/DRI states that CONCOR has not provided details with regard to these containers. In the circumstances, CONCOR is directed to provide complete details of the containers to Customs and DRI, within a period of one week from today, and DRI/Customs shall examine the same and issue a No Objection Certificate (NOC) within a period of four weeks, thereafter. In the event the goods are required to be retained for investigation or other purposes, DRI shall take steps to remove the same and make arrangements to store the same within a period of four weeks, thereafter. In the event a NOC is granted, CONCOR shall auction and/or destroy the goods as the case may be within a period of 90 days thereafter and, ensure that those containers are released to the shipping lines immediately, thereafter.

4. List for compliance of 03.12.2019."

9. In compliance of the orders passed by the Court in these batch matters, the Customs Department has filed several status reports from time to time.

10. On 2nd December, 2024, the ld. Single Judge has recorded the submissions of the ld. Counsel for the parties that respective orders under Sections 48, 49 and 150 of the Customs Act have been passed and that the petitions under the Customs Act, 1962, are required to be listed before the

Division Bench. Accordingly, the present petition was transferred and listed before this Bench.

11. On the last date of hearing *i.e.,* 10th December, 2024, after having observed that the present batch petitions have been pending for more than a decade only on such a small issue in respect of release of containers, a comprehensive status report was called for from Customs Department as also CONCOR. The relevant portion of the Order dated 10th December, 2024 is extracted hereunder:

> *"10. It is seen in these matters that there are a large number of containers which have not been released for approximately more than a decade. It appears that the Customs Department and Container Corporation of India Ltd. (hereinafter 'CONCOR') are at odds with each other. The Customs Department submits that the containers were detained for so long due to investigations by various authorities and that currently a substantial number of containers have been released. The petitioners disagree with this fact. However, CONCOR's stand is that the containers have not been released yet because the Petitioners have not paid the Terminal Service Charges (hereinafter 'TSC') levied on them.*
>
> *11. Be that as it may, this Court is of the opinion that these containers cannot be kept for so long without being released. The entire purpose is being defeated by the callous manner in which both the Departments have dealt with the containers.*
>
> *12. Let a comprehensive report be placed on record in the main matter being W.P.(C) 945/2014 giving the details of all the containers in each of the writ petitions and their current status and if no report has been filed*

by the next date of hearing, all the containers shall be liable to be released by this Court.

13. All Counsels shall appear physically in these matters.

14. If the proper instructions are not obtained and report is not filed by the next date, the concerned Commissioner of Customs Department shall remain present in Court."

12. Today, a status report has been filed by the Customs Department which includes the updated status report *qua* the subject containers which are pending for either destuffing, auction or investigation. As per the said report, as on date a total of 170 out of 658 containers in respect of the Petitioners, have still not been released to the Petitioners for various reasons. The relevant portion of the said updated status report is extracted hereunder:

S.No	**Container No.**	**Arrival**	**Remarks**	**Present Status**
WPC No. 945/2014- HAMBURG SUD INDIA PVT. LTD. VS.UOI & ORS				
1	SUDU1329915	05.11.2009	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
WPC No. 2580/2018-MSc AGENCY INDIA PVT LTD. VS.UOI & ORS				
1	DFSU7162624	26.03.2017	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act,

				1962 for disposal of goods
2	GLDU0301411	03.02.2011	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
WPC No. 4207/2014-HYUNDAII MERCHANT MARINE INDIA PVT. LTD. VS UOI & ORS				
1	HDMU2647744	02.04.2011	Detained by Customs (SIIB) (Export shipment)	Does not pertain to ICD TKD lmport
WPC No. 9989/2019-HAPAG LLOYD VS UOI & ORS.				
1	FCIU3898845	11.08.2016	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
2	FSCU3290026	07.06.2013	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
3	GESU3907514	03.08.2016	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for

				disposal of goods
4	HLXU1062987	14.07.2012	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
5	HLXU2130514	11.10.2008	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024, Empty handed over to S/L post disposal of the cargo therein on 13.10.2021
6	HLXU2290488	07.02.2010	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
7	MLCU9701134	16.04.2007	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
8	BHCU4929116	05.08.2010	Hold by SIIB/DRI/Preventive	As per CONCOR

				mail dated 17.12.2024, Empty container handed over to S/L post disposal of the cargo
9	CMUU4606789	18.10.2008	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
10	CPSU6447848	12.04.2014	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
11	FSCU9201920	29.08.2009	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024, Empty container handed over to S/L post disposal of the cargo therein on 20.10.2021
12	HLBU1151080	22.10.2014	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024,

				Empty container handed over to S/L post disposal of the cargo therein on 20.03.2023
13	HLBU1164488	10.09.2016	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
14	HLXU4581266	16.04.2011	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
15	HLXU4589694	10.08.2008	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024, Empty handed over to S/L post disposal of the cargo therein on 23.09.2021
16	HLXU6012700	01.10.2012	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for

				disposal of goods
17	HLXU6097604	14.06.2009	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024, Empty container handed over to S/L post disposal of the cargo therein on 04.03.2023
18	HLXU6239078	08.02.2013	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
19	HLXU6240042	11.08.2016	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024, Empty container handed over to S/L on 12.10.2020, post auction disposal of goods
20	HLXU6592547	03.09.2016	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act,

				1962 for disposal of goods
21	TCLU8637924	17.11.2016	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
22	TCNU9960060	30.09.2012	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
23	WLNU9903714	13.02.2011	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
WPC No. 13099/2018-HYUNDAI MERCHANT MARINE INDIA PVT. LLTD VS UOI & ORS				
1	HDMU6638587	17.06.2015	Detained by Customs (DRI)	Goods have been confiscated. One of the Noticee had filed appeal before the SDM Kalkaji.

2	TEMU7234984	15.08.2016	As per available records, not pending with Customs	Transferred to CONCOR for further action.
3	GESU1344896	08.10.2014	As per available records, not pending with Customs	Transferred to CONCOR for further action.
4	TCNU6007482	-	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024, Empty container handed over post disposal of the consignment on 25.07.2024
5	DFSU6752040	-	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024, Empty container handed over post disposal of the consignment on 26.07.2024
6	HDMU6404824	16.05.2013	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
7	BMOU2331782	17.07.2014	As per available records, not pending with Customs	Transferred to CONCOR under Section

				48 of the Customs Act, 1962 for disposal of goods
8	TCNU8653244	07.09.2014	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
9	HDMU6797172	13.06.2015	As per available records, not pending with Customs	Goods confiscated. One of the Noticee filed an appeal before the SDM, Kalkaji.
10	DFSU6192882	-	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024, Empty container handed over post disposal of the consignment on 22.07.2024
11	GESU6490316	-	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024,, Empty container handed over post disposal

				of the consignment
12	TCLU5894554	-	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024,, Empty container handed over post disposal of the consignment
13	DFSU6670699	-	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024,, Empty container handed over post disposal of the consignment
14	TEMU7319799	-	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024,, Empty container handed over post disposal of the consignment
15	HDMU6466282	-	As per available records, not pending with Customs	As per CONCOR mail dated 17.12.2024,, Empty

				container handed over post disposal of the consignment
16	CAIU9970949	13.05.2017	Detained by Customs (DRI)	Goods confiscated. Appeal filed by one of the noticee is pending in Delhi High Court
17	CAIU2519532	-	As per available records, not pending with Customs	Transferred to CONCOR for further action.
18	TCNU9002294	06.10.2014	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
19	DFSU6957098	07.10.2014	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
20	HDMU6816797	12.10.2014	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of

				goods
21	BSIU9267090	10.10.2014	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
22	DRYU9559306	07.09.2017	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
WPC No. 677/2016-TRANS ASIAN SHIPPPING SERVICES PVT. LTD. VS.UOI & ORS				
1	FCIU2119262	28.07.2009	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods
WPC No. 4169/2014-CMA CGM AGENCIES (INDIA) PVT. LTD VS.UOI & ORS				
1	TGHU8477189	01.03.2011	As per available records, not pending with Customs	Transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods

WPC No. 648/2016-TRANS ASIAN SHIPPPING SERVICES PVT. LTD. VS.UOI & ORS	
All the 4 containers have already been transferred to CONCOR under Section 48 of the Customs Act, 1962 for disposal of goods.	

13. Further, in addition to the above, it is submitted by the ld. Counsel for the Customs Department that for 20 subject containers action for disposal of goods is being initiated by the Customs Department itself. For ease of reference, the details of the said containers are as under:

S.No	Container No.	Arrival	Remarks	Present Status
WPC No. 945/2014- HAMBURG SUD INDIA PVT. LTD. VS.UOI & ORS				
1	FSCU9527291	26.04.2011	Detained by Customs (Preventive)	Action for disposal of goods being initiated.
2	SUDU7903234	20.07.2011	Investigation Pending with Customs	Action for disposal of goods being initiated.
WPC No. 2580/2018-MSc AGENCY INDIA PVT LTD. VS.UOI & ORS				
1	TCNU7667388	11.06.2011	Detained by Customs (DRI)	Action for disposal of goods being initiated.
WPC No. 4207/2014-HYUNDAII MERCHANT MARINE INDIA PVT. LTD. VS UOI & ORS				
1	HDMU6449238	17.09.2010	Detained by Customs	Action for disposal of goods being initiated.

WPC No. 9989/2019-HAPAG LLOYD VS UOI & ORS.				
1	TGHU7231478	06.10.2008	Hold by Preventive	Action for disposal of goods being initiated.
2	TGHU8391085	24.01.2015	Hold by SIIB/DRI/Preventive	Goods have been confiscated. Action for disposal of goods being initiated.
3	FCIU8486558	06.02.2016	Hold by SIIB/DRI/Preventive	Action for disposal of goods being initiated.
4	FCIU9158390	24.08.2016	Hold by SIIB/DRI/Preventive	Goods have been confiscated. Action for disposal of goods being initiated.
5	GESU4680240	28.08.2016	Hold by SIIB/DRI/Preventive	Action for disposal of goods being initiated.
6	HLXU6582636	30.08.2016	Hold by SIIB/DRI/Preventive	Action for disposal of goods being initiated.
7	HLXU8434047	05.11.2016	Hold by SIIB/DRI/Preventive	Goods have been confiscated. Action for disposal of goods being initiated.

8	TRIU9157462	17.10.2008	Hold by SIIB/DRI/Preventive	Action for disposal of goods being initiated.
WPC No. 13099/2018-HYUNDAI MERCHANT MARINE INDIA PVT. LLTD VS UOI & ORS				
1	BSIU2519630	12.06.2016	Detained by Customs (Prev.)	Action for disposal of goods being initiated.
2	HDMU6793217	16.01.2015	Detained by Customs (DRI)	Goods have been confiscated. Action for disposal of goods being initiated.
3	TEMU7307099	06.06.2015	Detained by Customs (SIIB)	Action for disposal of goods being initiated.
4	BMOU4704400	16.06.2015	Detained by Customs (DRI)	Action for disposal of goods being initiated.
5	TEMU7315052	-	Detained by Customs (Prev.)	Goods have been confiscated. Action for disposal of goods being initiated.
6	TCNU7237685	06.10.2014	Detained by Customs	Goods have been confiscated. Action for disposal of goods being initiated.

WPC No. 677/2016-TRANS ASIAN SHIPPPING SERVICES PVT. LTD. VS.UOI & ORS				
1	TLXU5402428	26.09.2007	Detained by Customs (DRI) also involved in police case.	Action for disposal of goods being initiated.
WPC No. 4169/2014-CMA CGM AGENCIES (INDIA) PVT. LTD VS.UOI & ORS				
1	CLHU2837960	17.03.2011	Detained by Customs	Disposal process is underway

14. Let the de-stuffing of the above said containers listed in paragraph 13 be effected by the Customs Department within a period of thirty days from the date of this order and the containers be released to the respective Petitioners.

15. Insofar as the remaining containers which have been transferred to CONCOR under Section 48 of the Customs Act for disposal of goods are concerned, CONCOR is free to auction/dispose of the goods in accordance with law and release the containers within the next 90 days.

16. The ld. Counsel for CONCOR submits that wherever goods have been destroyed, the destruction cost is to be paid by the Petitioners. Ordered accordingly. No other charges would be payable to CONCOR.

17. The ld. Counsels have also submitted that out of the 170 remaining containers, in respect of 20 containers there is either a pending Police/Court case or some other investigation by the agencies such as CBI is ongoing.

18. In respect of the said 20 containers, let the containers be de-stuffed and be released to the respective shipping lines within a period of three months in the presence of the concerned investigation agency's officials.

19. The present order is being passed in the unique facts and circumstances of the present cases which have been pending for several years. The legal issues raised are left open.

20. The appearance of Ms. Anju Gupta and Mr. Roshan Lal Gupta, ld. Counsels for Respondent No.1 in ***W.P.(C) 2580/2018*** may be reflected in order dated 10th December, 2024.

21. The present petitions are disposed of in above terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

DECEMBER 23, 2024/*gs/Rahul/ms*