

17.09.2025
Item No. 15
Ct. 05
sayandeep

WPA 21505 of 2025

**Aditya Birla Global trading(India) Pvt. Ltd.& anr.
versus
The Principal Commissioner of Customs & Ors.**

Mr. Shyamal Sarkar, Sr. Advocate
Ms. Rajshree Kajaria
Mr. Uttam Sharma
Mr. Aurin Chakraborty

...For the petitioners

Mr. Uday Sankar Bhattacharya
Ms. Aishwarya Rajarshree

.....for the customs
Authority

1. The affidavit-of-service filed in Court today be taken on record.
2. The present writ petition has been filed challenging, inter alia, order dated July, 17, 2025 issued in terms of the Sections 111D, 112(I) and Section 125 read with Section 46 of the Customs Act, 1962 (hereinafter referred to as the “said Act”). The petitioners also pray for a direction upon the respondents to permit the petitioners to re-export the yellow peas to any buyer available as also to permit the petitioners to re-export the same upon furnishing personal bond in respect of the redemption fine and penalty.
3. Having heard the learned advocates appearing for the respective parties, since prima facie it transpires that the petitioners have an appellate remedy, I am of the view, there is no scope to entertain the writ petition, however, at this stage on the basis of the

submissions made in Court and taking note of the fact that an appeal is in the process of being filed though the writ petition is pending, the petitioners, in my view, cannot be permitted to seek redressal of their grievances simultaneously before the statutory authority and before this Court in exercise of powers under Article 226 of the Constitution of India.

4. However, since Mr. Sarkar, learned senior advocate representing the petitioners, at this stage would submit having regard to the subsequent step in filing the appeal, leave may be granted to the petitioners to apply for the reliefs as sought for in the present petition before the appellate authority, I am of the view, in the event, the petitioners apply before the appellate authority in requisite format upon compliance of all formalities, the appellate authority shall hear out and dispose of such appeal in accordance with law as expeditiously as possible preferably within a period of 4 weeks from the date communication of this order.
5. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)