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

\+ **W.P.(C) 1112/2025**

M/S SADHANA IMPEX .....Petitioner

Through: Mr. Salil Arora, Mr. Divya Ratna Singh and Ms. Reeva Chugh Arora, Advs. (M:9711232925)

versus

COMMISSIONER OF CUSTOMS .....Respondent

Through: Mr. Aditya Singla, SSC, CBIC with Mr. Ritwik Saha and Mr. Umang Mishra, Advs. (M: 9958846148).

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DHARMESH SHARMA

ORDER

% 20.02.2025

1. This hearing has been done through hybrid mode.

2. The present writ petition has been filed by the Petitioner under Article 226 of the Constitution of India seeking release of the goods seized by the Customs Department *vide* seizure memo dated 30th December, 2024.

3. The case of the Petitioner is that it had placed certain orders for import of unbranded PU sole assorted fashion canvas shoes (sports footwear). However, the Ministry of Commerce and Industry *vide* order dated 15th March, 2024 had issued the ***Footwear made from Leather and other Materials (Quality Control) Order, 2024*** requiring compulsory compliance of BIS standards and use of ISI mark on sports footwear with effect from 1st August, 2024.

4. Though the manufacture of the footwear was prior to the effective date,

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due to some difficulties from the supplier's end, the dispatch of the goods is stated to have been delayed and the bill of entry was filed only on 1st December, 2024.

5. Upon arrival, the goods were detained, and thereafter seized on 30th December, 2024. An Order-in-original was passed giving an option to the Petitioner to seek release of goods on payment of redemption fine and penalty of Rs. 1,07,500/- each, respectively.

6. The Petitioner made the said payments and the Gate Pass was also issued, however, the goods have not been released. Hence, the Petitioners have preferred the present petition. The operative portion of the Order-in-Original reads as under:

> "***<u>O R D E R</u>***
>
> *i. I order for confiscation of the goods value at Rs.8,60,328/-, as detailed in Table-A supra, imported vide Bill of Entry No.6989144 dated 01.12.2024, under Section 111(d) of the Customs Act, 1962.* ***However, I give an option to redeem the said goods on payment of Redemption Fine of Rs. 107500 /- (Rupees - One Lakh seven thousand five hundred only) under Section 125(1) of the Customs Act, 1962.***
>
> ***ii. I impose a penalty of Rs. 107500/- (Rupees - One Lakh seven thousand five hundred only only) on the importer under Section 112(a)(i) of the Customs Act, 1962."***

7. The copies of the gate pass have also been placed on record. It was thus unclear as to why the goods have not yet been released.

8. On the last date of hearing *i.e.* on 7th February, 2024, ld. Senior Standing Counsel for the Respondent had sought time to seek instructions in the matter. Today, it is submitted by him that an appeal has been filed by the

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Department, challenging the order-in-original, before the Commissioner (Appeals). According to Mr. Singla the case of the Department is that the QCO had come into effect on 1st August, 2024 and the interpretation given in the Order-in-Original that the products were manufactured prior to the said date, and therefore, they deserve to be released, is not accepted by the Department.

9. In addition, the ld. Senior Standing Counsel has also pointed out the photographs of the products to the Court, which show that they bear the logos of well-known marks.

10. In view of the above facts, this Court is not inclined to release the goods at this stage. The Petitioner is free to approach the Commissioner (Appeals) and contest the appeal filed by the Department. The Petitioner is also free to seek release of the goods, after the same are examined in accordance with law.

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

PRATHIBA M. SINGH, J.

DHARMESH SHARMA, J.

FEBRUARY 20, 2025/*gunn/ks*

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