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

+ **W.P.(C) 13081/2018 & CM APPL. 50814/2018**

HYUNDAI MERCHANT MARINE INDIA PVT. LTD.Petitioner

Through: None.

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Satish Aggarwala, Sr. St. Counsel.
Mr. Anushree Narain, SSC for R-3.
Ms. Vidushi Shubham, Advocate for
Central Warehousing Corporation.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

02.04.2025

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1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution of India *inter alia* seeking an appropriate writ directing the Respondents to release 84 empty containers.
3. On the previous date *i.e.*, 10th December 2024, the Court, while dealing with a batch of connected matters including the present petition, had observed as under:

“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."

4. Pursuant to the above order, a status report dated 20th December, 2024 has been handed over in the Court by Ms. Anushree Narain, Id. Senior Standing Counsel for the Respondent No. 3/Customs Department, stating that the containers of the Petitioner have already been released. The communication received from the Commissioner of Customs is extracted below:

"Sir/Madam,

Dated- 20.12.2024

Subject: WP (C) No. 13081/2018 filed by M/s Hyundai Merchant Marine India Pvt Ltd in the Hon'ble High Court of Delhi - Reg. Please refer to the above-mentioned subject.

2. In this regard, this is to submit that as per present status of the container nos. DFSU6295896 and BMOU4700160 obtained from CWC, ICD Patparganj, the said containers were handed over to the shipping line after destruction of the cargo.

3. This is for kind information and necessary action please. This issues with the approval of the competent authority."



As per the above communication, the containers have already been released. The status report dated 20th December, 2024 is taken on record.

5. None appears for the Petitioner. It appears that since the containers have already been handed over to the shipping lines, the Petitioner may no longer be interested in the petition. The Petition is accordingly disposed of as infructuous. Pending applications, if any, are also disposed of.

6. Ld. Counsel for the Central Warehousing Corporation at this point submits that she does not have a copy of the paper book. Since the petition is disposed of, no further orders are required to be passed in this matter.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

APRIL 2, 2025/MR/Ar.