

**AMRESH KUMAR
PORP. MUKUT EXIM**

Vs

COMMISSIONER CUSTOMS

WP (C) 4529/2019

NARENDRA KUMAR SAINI

Vs

**COMMISSIONER CUSTOM AIR CARGO
EXPORT NEW DELHI**

D N Patel, CJ & C Hari Shankar, JJ

Dated: December 06, 2019

Appellant Rep by: Mr Padam Kant Saxena, Adv. with Mr Pramod Kant Saxena & Ms Aeshna Dahiya, Advs.

Respondent Rep by: Mr Amit Bansal, Adv. with Mr Aman Rewaria, Adv. & Ms Vipasha Mishra, Adv.

Cus - The petitions have been preferred for release of seized goods by Custom Department - The seized goods relates to "polyester knitted boys shorts" and "Herbal Heena Mehandi", both meant for export - This seizure was made in both the cases on 08.10.2018 - The time limit to issue the SCN was extended on 04.04.2019 - It is submitted by respondent that at the request of these petitioners, order for provisional release of goods have also been passed by respondent in both the cases vide orders dated 27.12.2018 & 12.02.2019 - Since orders for provisional release of goods have already been passed in both the cases, no reason found to entertain the writ petitions for quashing of seizure order - The petitioners can always avail the benefits under provisions of Customs Act, 1962 and the Rules made thereunder and as per policy floated by respondent: HC

Writ petitions dismissed

JUDGEMENT

Per: D N Patel:

1. These writ petitions have been preferred for release of the seized goods by the Custom Department. In W.P.(C) No.4469/2019 the seized goods relates to "polyester knitted boys shorts" and in W.P.(C)No.4529/2019 relates to "Herbal Heena Mehandi", both meant for export. This seizure was made in both the cases on 08.10.2018.
2. Looking to the facts and circumstances of the case and after hearing the learned counsel for both sides, it appears that the time limit to issue the show cause notice was extended on 04.04.2019.
3. Learned counsel for the respondent submitted that on 30.09.2019, common show cause notices have been issued for the goods which were seized and no reply has been filed to these show cause notices till date.
4. It is further submitted by learned counsel for the respondent that at the request of these petitioners, order for provisional release of the goods have also been passed by the respondent in both the cases vide orders dated 27.12.2018 & 12.02.2019.

5. Since orders for provisional release of the goods have already been passed in both the cases, we see no reason to entertain these writ petitions for quashing of the seizure order dated 08.10.2018. The petitioners can always avail the benefits under the provisions of the Customs Act, 1962 and the Rules made thereunder, and as per policy floated by the respondent. If the petitioners are aggrieved by any further actions of the respondent, they can always initiate litigation before the appropriate forum in accordance with law.

6. With these observations, these writ petitions are hereby dismissed.