

Vs. Commissitioner of Customs (Port) and ors.Respon

Vs. Commissitioner of Customs (Port) and ors.Respon

SooperKanoon Citation : sooperkanoon.com/1061662

Court : Kolkata

Decided On : Jun-28-2013

Judge : Tapen Sen

Respondent : Commissitioner of Customs (Port) and ors.Respon

Judgement :

ORDER

SHEET WP No.605 of 2013 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE M/S.ENTERPRISE INTERNATIONAL LTD.Petitioner Versus COMMISSIONER OF CUSTOMS (PORT) & ORS.Respondents BEFORE: The Hon'ble JUSTICE TAPEN SEN Date :

28. h June, 2013.

For Petitioner : Mr.S.K.

Mehta, Advocate For Respondents : Mr.R.Bharadwaj, Advocate MRS.Sampa Sarkar, Advocate The Court : Mr.Sudhir Kumar Mehta, learned Counsel appears for the Petitioner and Mr.S.B.

Saraf with Ms.Sampa Sarkar appear for the Respondents.

Parties have jointly drawn the attention of this Court to an Order passed in a similar case being Order dated 6th February, 2013 passed in WP No.523 of 2013.

That Order is Annexure P-10. Under the circumstance this Writ Petition is also disposed of by passing the same order as follows With consent of the parties, Petition is being disposed at this stage itself.

this Writ An Order passed in a similar Writ Petition has been brought on record which was passed by The Honble Ms. Justice Indira Banerjee in W.P.No.1030 of 2012 (see page 62 of the Writ Petition). Considering the aforementioned facts and circumstances, Court passes the same Order in this case also.

this After hearing the learned Counsel appearing on behalf of the Petitioner and the Respondents, this Writ Application is disposed of by directing the Respondent Customs Authorities to make provisional assessment of the duty on the consignments in question within a week from date.

The Petitioner shall make payment of the admitted duty as declared and furnish a Bank Guarantee to the satisfaction of the Commissioner of Customs (Port) covering the disputed additional duty as per provisional assessment.

The consignments shall be released within seven days of compliance by the Petitioner of the directions in this Order, that is, within seven days from the date of furnishing of Bank Guarantee to the satisfaction of the Commissioner of Customs (Port) in terms of this Order.

The Bank Guarantee shall be kept renewed until final order of assessment is made and duty in terms thereof is paid and/or realized.

The Bank Guarantee shall be renewed at least one month before the date of expiry thereof, upon notice to the Commissioner of Customs (Port). failing which it will be open to the Commissioner of Customs (Port) to encash the Bank Guarantee without any further reference to the Petitioner.

Affidavits not having been called for, the allegations in the Writ Petition, save those are matters of record, shall be deemed not to have been admitted.

All parties concerned are to act on a Photostat signed copy of this Order on the usual undertakings.

All parties concerned are to act on a Photostat signed copy of this Order on usual undertakings.

(TAPEN SEN, J.) msen

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com