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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 09.05.2024

+ W.P.(C) 3871/2024

M/S ATSAR EXPORTS PVT LTD

..... Petitioner

versus

SUPERINTENDENT OF CUSTOMS AND ANR Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Mir Akhtar Hussain and Ms. Sonia Goswami,
Advocates

For the Respondents: Mr. Gibran Naushad, Senior Standing Counsel for
CBIC
Mr. Shekhar Vyas and Ms. Neha Warriar,
Advocates

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner in this petition seeks the following reliefs:

*“(1) to quash the communication dated 14.06.2022 disposing of
the representation of the petitioner dated 27.12.2021,16.05.2022.”*



and 10.06.2022 by a non speaking order, denying the petitioner inspection, measurement and photography of the seized article.

(2) issue a writ of mandamus or any other appropriate writ, order and direction in the nature of mandamus commanding the respondent no. 1 to decide the representation of the petitioner dated 27.12.2021, 16.05.2022, 10.06.2022 and 09.06.2023 as per law.

(3) issue a writ of mandamus or any other appropriate writ, order and direction in the nature of mandamus commanding the respondent no. 1 to facilitate inspection, measurement and photography of the seized article to the petitioner.”

2. Learned counsel for the respondent submits that as per his instructions, the shawl was seized in the presence of the petitioner and a punchnama and other record of seizure was duly prepared. He submits that shawl was also sealed and kept in a sealed cover in the presence of the petitioner and sealing was duly acknowledged by the petitioner and thereafter seized shawl was transferred to the custodian i.e., the Celebi Delhi Cargo Terminal Management India Pvt. Ltd. He submits that he has no objection to the petitioner inspecting the shawl, however, states that the competent officer of the Department be permitted to be present at the time of inspection.

3. Since petitioner is merely seeking an inspection of the shawl that was seized besides taking photographs and measurements of the shawl, we are of the view that in the interest of justice, petitioner be permitted to inspect the shawl in the presence of duly authorized representative of the Customs Authorities.



4. In view of the above, petition is disposed of permitting the petitioner to inspect the subject shawl in the presence of authorized representative of the Customs Authorities. Petitioner may also take photographs of the shawl and measure the shawl in the presence of the said officer.

5. It is, however, clarified that this order shall be without prejudice to the rights and contentions of the parties and no special equity shall flow in favour of the petitioner because of this order.

6. Respondent shall accordingly coordinate with the custodian of the shawl and duly intimate the petitioner about the date and time of the inspection.

SANJEEV SACHDEVA, J

MAY 9, 2024/‘rs’

RAVINDER DUDEJA, J