

ITEM NO.13 Court 2 (Video Conferencing) SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 7565/2021

(Arising out of impugned final judgment and order dated 04-03-2021 in WA No. 690/2021 passed by the High Court Of Judicature At Madras)

M/S DELHI PHOTOCOPIERS

Petitioner(s)

VERSUS

THE COMMISSIONER OF CUSTOMS (GR. 5) CHENNAI II & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.67363/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.67362/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.67361/2021-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.67360/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 87412/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 67362/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 67363/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 67360/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 67361/2021 - PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

SLP(C) No. 7911/2021 (XII)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 87805/2021

IA No. 87805/2021 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 7750/2021 (XII)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 87825/2021

IA No. 87825/2021 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 7677/2021 (XII)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 82306/2021

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 87423/2021

IA No. 82306/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 87423/2021 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 7685/2021 (XII)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 87710/2021

IA No. 87710/2021 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 7755/2021 (XII)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 87407/2021

IA No. 87407/2021 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 7756/2021 (XII)
 (FOR CLARIFICATION/DIRECTION ON IA 88450/2021
 IA No. 88450/2021 - CLARIFICATION/DIRECTION)

SLP(C) No. 7608/2021 (XII)
 (FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 86971/2021
 IA No. 86971/2021 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 11-08-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
 HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
 Mr. Arvind Datar, Sr. Adv.
 Mr. Ashok Panigrahi, AOR
 Mr. Suryadeep Singh, Adv.
 Mr. Nabab Singh, Adv.
 Ms. Geetanjali, Adv.
 Mr. Vinay Ratnakar, Adv.

For Respondent(s) Mr. N. Venkataraman, ASG
 Mr. Rupesh Kumar, Adv.
 Mr. V. Chandra Shekara Bharathi, Adv.
 Mr. B. K. Satija, Adv.
 Ms. Meenakshi Grover, Adv.
 Mr. Mukesh Kumar Maroria, AOR

 Mr. Saket Singh, Adv.
 Ms. Niranjana Singh, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

We have heard the learned senior counsel appearing for the petitioner(s) and Mr. N. Venkataraman, learned Additional Solicitor General appearing for the respondent(s) at length.

On 05.07.2021, this Court had issued notice in these matters. Despite the fact that the matter was pending before this Court, the Department went ahead and confiscated the goods which are the subject matter of these petitions on 17.07.2021. Mr. N. Venkataraman, learned ASG, realizing the difficulty in his way, has

asked the Department to stay its hands so far as the confiscation is concerned. We see no reason to differ from a number of orders that have been passed by this Court in the past for provisional release of goods. However, it has been pointed out to us that at least on and from 01.04.2020, the goods, according to the Department, are clearly prohibited goods and on and from this date, unless an order is made under Section 125, the goods must stand confiscated.

We stay the confiscation of these goods. The Notification dated 01.04.2020 is the subject matter of controversy before this Court, particularly in view of a subsequent Notification dated 18.03.2021 that has been pointed out by Mr. Arvind Datar, learned senior counsel. We, therefore, allow the goods involved in these petitions, to be provisionally released on the same terms that have been indicated in all the other cases. The order dated 18.09.2020 may, in particular, be looked at for this purpose.

In view of above, the Special Leave Petitions are disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(NISHA TRIPATHI)
BRANCH OFFICER