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

+ **W.P.(C) 11960/2022**

M/S SPRAYTEC INDIA LTD.

..... Petitioner

Through: Ms Anjali Jha Manish and Ms Shweta Singh, Advs.

versus

ADDITIONAL DIRECTOR GENERAL DIRECTORATE OF
REVENUE INTELLIGENCE & ORS. Respondents

Through: Mr Adhishwar Suri and Mr
Suryanshu Priyadarshi, Advs. for Mr
Aditya Singla, Sr. Standing Counsel.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

18.08.2022

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[Physical Court hearing/ Hybrid hearing (as per request)]

1. The substantive reliefs claimed in the writ petition read as follows:

“(a) Issue a writ order or direction in the nature of mandamus to the Respondents to release the goods imported by the Petitioner against bills of entry No. 9687145 dated 23.07.2022, 9770459 and 9770255 both dated 29.07.2022, after final assessment; or

(b) Issue a writ order or direction in the nature of mandamus to the Respondents to issue the detention certificate for waiver of demurrage and detention charges and properly execute the same or make the payment(s) of demurrage and detention charges, which the Petitioner would pay.”

2. The other relief, i.e., prayer clause (c), claimed in the petition is for the grant of costs of the petition.

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3. As is evident from a perusal of the prayers made in the writ petition, it appears that a final assessment has been carried out.
4. It is the petitioner's case that the subject goods have been classified under Chapter Heading 8424 [i.e., CTH 8424].
 - 4.1 It is also the petitioner's case that the Advance Ruling Authority has affirmed this position.
5. Therefore, the petitioner appears to be aggrieved by the fact that the goods in issue have been unnecessarily detained, resulting in the petitioner having to bear the burden of demurrage and detention charges.
6. It is in these circumstances, that the petitioner seeks direction for the issuance of a detention certificate.
7. Issue notice to the respondents/revenue.
8. Mr Adhishwar Suri accepts notice on behalf of the respondents/revenue.
9. Mr Suri says that he will return with instructions.
 - 9.1. In case, instructions are received to resist the petition, a counter-affidavit will be filed before the next date of hearing.
10. Accordingly, list the matter for directions, on 02.09.2022.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

AUGUST 18, 2022

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[Click here to check corrigendum, if any](#)