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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 695/2022 and CAV 424/2022, CM APPLs. 52064/2022 & 485/2023**

THE MINISTRY OF HOME AFFAIRS & ANR. Appellant

Through: Mr. Chetan Sharma, ASG with Ms. Nidhi Raman, Advocate along with Mr. Moin Affaque, DDG, DGFT.

versus

SYNDICATE INNOVATIONS INTERNATIONAL LIMITED &
ORS. Respondent

Through: Mr. Joy Basu, Sr. Advocate with Mr. Bhupesh Narula, Ms. Rinku Narula and Mr. Naman Khatwani, Advocates for Respondent No.1.
Mr. Anurag Ojha, Sr. Standing Counsel with Mr. Kumar Abhishek, Advocate for Respondent/ Delhi Customs.

+ **LPA 745/2022 and C.M. Nos. 56296/2022 & 56298/2022**

SYNDICATE INNOVATIONS
INTERNATIONAL LIMITED Appellant

Through: Mr. Joy Basu, Sr. Advocate with Mr. Bhupesh Narula, Ms. Rinku Narula and Mr. Naman Khatwani, Advocates.



versus

THE OFFICE OF THE COMMISSIONER
OF CUSTOMS & ORS.

..... Respondent

Through: Mr. Anurag Ojha, Sr. Standing Counsel with Mr. Kumar Abhishek, Advocate for Respondent/ Delhi Customs.

Mr. Chetan Sharma, ASG with Mr. Kirtiman Singh, Ms. Nidhi Raman, Ms. Vidhi Jain and Mr. Zubin Singh, Advocates for Respondent/ UOI.

Mr. Sashi Pratap Singh, Advocate along with Mr. Vinay, Inspector, Licensing Unit, Delhi Police for Respondent/ Delhi Police.

+ **LPA 25/2023 and C.M. Nos. 1528/2023, 1529/2023, 1530/2023, 1531/2023 & 1532/2023**

SIAL MANUFACTURERS PVT LTD

..... Appellant

Through: Mr. Pradeep Kant, Sr. Advocate with Mr. Divyanshu Sahay, Ms. Shradha Narayan, Mr. Akshay Sahay, Mr. Simarjeet Singh and Mr. Shubham Kumar, Advocates.

versus

SYNDICATE INNOVATIONS INTERNATIONAL LIMITED &
ORS.

..... Respondent

Through: Mr. Joy Basu, Sr. Advocate with Mr. Bhupesh Narula, Ms. Rinku Narula and Mr. Naman Khatwani, Advocates for Respondent No.1.



Mr. Anurag Ojha, Sr. Standing Counsel with Mr. Kumar Abhishek, Advocate for Respondent/ Delhi Customs.

Mr. Chetan Sharma, ASG with Mr. Kirtiman Singh, Ms. Nidhi Raman, Ms. Vidhi Jain and Mr. Zubin Singh, Advocates for Respondent/ UOI.

Mr. Sashi Pratap Singh, Advocate along with Mr. Vinay, Inspector, Licensing Unit, Delhi Police for Respondent/ Delhi Police.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **06.02.2023**

The present LPAs are arising out of the judgment dated 07.10.2022 passed in W.P.(C) No. 10143/2022.

The facts of the case reveal that the Respondents/ Writ Petitioners, who are manufacturer of arms, have approached this Court seeking release of Frames and Slides imported by them on account of import permission granted by the competent authority in the office of Directorate General of Foreign Trade (DGFT).

The Learned Single Judge has allowed the Writ Petition and the present LPA 695/2022 has been filed by Union of India challenging the judgment dated 07.10.2022.

The facts further reveal that during the pendency of litigation, the Union of India has also granted Form X in respect of the Frames and Slides.



However, the same is disputed by the Writ Petitioner. His contention is that in fact, Form X has been issued in respect of the entire consignment.

Learned Counsel for the Writ Petitioner has also brought to the notice of this Court a Division Bench order dated 20.12.2022 passed in W.P.(C) No. 15801/2022 which was again in respect of issuance of license and Form X and the Division Bench of this Court had directed the release of the items which were subject matter of the Writ Petition therein.

The matter requires a detailed hearing. The Learned Senior Counsel for the Writ Petitioner has stated before this Court that most of the supplies are to be made to Organizations under the Government of India i.e. Defence, Para Military Forces and Sports Ministry. It is stated that the Petitioner has already paid more than a sum of Rs. 1 crore as demurrage charges on the consignment and other related consignments which are the subject matter of the present LPA. It has also been stated that the consignment has been opened by the Delhi Police for inspection because of which rusting of small parts is taking place.

In light of the aforesaid, as an interim measure, the entire consignment which is subject matter of LPA 695/2022, be handed over to the Writ Petitioner on Supratnama, and the Writ Petitioner is directed not to dispose of even a single item therein without the directions of this Court.

Accordingly, list the present LPAs on 10.05.2023.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

FEBRUARY 6, 2023/aks