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

CNR No. DLHC011647402011

+ **CO.PET. 471/2011 & CO.APPL. 245/2025 CO.APPL. 204/2026**
OLR 32/2024

IFCI FACTORS LTD

.....Petitioner

Through: **Mr. Sharique Hussain, Adv**

versus

KRISH INTERNATIONAL PVT LTD

.....Respondent

Through: **Ms. Ruchi Sindhwani, Sr. Standing
Counsel for OL with Ms. Megha
Bharara, Adv.**

**Mr. Aakarsh Srivastava, Sr. Standing
Counsel for Customs with Mr. Ankit
Kumar, Advs. along with Mr. Jayant
Mishra Appraiser.**

**Mr. Rishi K Awasthi, Mr. Rahul Raj
Mishra & Mr. Utsav Priyadarshi Advs.
in CO.APPL. 45612026**

**Mr. Deepak Yadav, Adv. for Auction
Purchaser Mr. Mayank Gupta.**

**Mr. Rishi Kumar Awasthi, Mr. Amit
V. Awasthi, Mr. Piyush Vatsa and Mr
Rahul Raj Mishra, Advs. for
Respondent-CONCOR**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

02.09.2026

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CO.APPL. 456/2026

1. *Vide* order dated 20th August 2026, this Court had passed detailed directions, regarding release of the goods contained in the additional 5 containers in favour of the auction purchaser.
2. The Customs Duty since deposited by the Official Liquidator [***OL***] before the Registry of this Court shall now be released to the Customs Department, represented by *Mr. Aakarsh Srivastava*, Senior Standing Counsel, along with *Mr. Jayant Mishra*, Customs Appraiser, both of whom are present in Court.
3. The Customs Department shall provide a No Objection Certificate [***NOC***] to the custodian of the goods, *Container Corporation of India* [***CONCOR***], by tomorrow.
4. CONCOR, represented by *Mr. Rishi Awasthi*, counsel, shall thereafter, release the goods in favour of the auction purchaser(s).
5. *Mr. Rishi Awasthi*, counsel for CONCOR, states that there are two other residual aspects which require consideration. ***Firstly***, demurrage and ground rent charges amounting to approximately *Rs. 12 crore* are payable in respect of these containers; and ***secondly***, that CONCOR has informed the shipping lines, to which the containers belong, regarding the orders passed by this Court and the sale and auction purchase of the goods lying in the containers.
6. As regards the ***second*** issue, no further steps or directions are required, considering that the requisite information has already been given to the shipping lines.
7. On the ***first*** issue of demurrage and ground rent charges, *Ms. Ruchi Sindhwani*, Senior Standing Counsel for the OL, submits that even previously, an attempt had been made by them for the sale of these goods



through CONCOR, but the same was not successful. Now that a successful auction purchaser has acquired the goods and deposited the amount, and Customs Duty has also been deposited, there is no reason for CONCOR to insist upon the payment of such a huge amount of money under the garb of demurrage and ground rent charges.

8. *Mr. Rishi Awasthi*, counsel for CONCOR, states that he shall take instructions in this regard.

9. The Court expects CONCOR to take into account the facts and circumstances of the present situation as well as the basis of its extant policies and practices, and consider issuance of appropriate directions for waiver of said amount.

10. In case CONCOR takes a decision otherwise, it shall inform the Court on the next date, upon which, further directions shall be passed.

11. In view of the above, the goods shall be released to the successful auction purchaser upon the Customs Department furnishing the NOC within a period of one week, i.e. on or before 07th September 2026 at 11:00 a.m.

12. *Mr. Deepank Yadav*, counsel for auction purchaser, states that the auction purchaser shall bring its own manpower for acquisition of the said goods and shall organise its own logistics in this regard.

13. A handling charge of *Rs. 21,000/-* per container is sought on behalf of CONCOR, considering that it would have to utilise proficient personnel and high-end cranes for mobilising the containers.

14. The said charges shall be considered by the OL and paid to CONCOR. In case any discussions are required between CONCOR and the representative of the OL, the same may be undertaken. The OL shall pay the said charges, subject to any other procedural requirements as may be mutually discussed between the OL and CONCOR.



15. The application is, therefore, disposed of.

CO.APPL. 466/2026

1. This application has been filed by the official liquidator, in relation to the other 10 containers, seeking the following reliefs:

- i) *Application filed on behalf of the Official Liquidator may kindly be taken on record;*
- ii) *Customs Department may kindly be directed to provide detailed calculation and basis on which they have calculated the custom duty of the auctioned goods in the five containers;*
- iii) *Customs Department may kindly be directed to calculate the custom duty for the goods lying in the 10 containers auctioned as a whole for Rs.1,05,00,000/- within one week;*
- iv) *Customs Department be directed not to undertake re-inventory of the containers referred to in paragraph 8 above and to compute the applicable customs duty on the basis of the composite price received for the 10 containers;*
- v) *Official Liquidator be permitted to hand over possession of the movable assets/garments lying in the five containers to the Auction Purchaser upon receipt of the entire sale consideration and compliance with such directions as this Hon'ble Court may deem fit;*
- vi) *Container Corporation of India Limited (CONCOR) and Custom Department may kindly be directed to permit/allow the Auction Purchaser Sh. Mayank Gupta to take possession of the moveable assets/garments lying in 05 containers;*
- vii) *Such other order(s) be passed as this Hon'ble Court may deem fit and proper.*

2. Considering that orders have already been passed in ***CO.APPL.456/2026***, prayer v) and vi) stand as infructuous.

3. As regards prayers ii), iii), and iv), notice is accepted by Senior Standing Counsel for the Customs Department, and the following directions are issued:



- i. The successful auction purchaser shall deposit 25% of the value forming part of the successful bid before the OL, within a period of one week;
 - ii. The OL shall provide a container-wise valuation of the goods to the Customs Department;
 - iii. Re-inventorization of 2 more containers, as has been agreed to in the meeting dated 21st August 2026, shall be carried out by the OL in coordination with the Customs Department and the auction purchaser;
 - iv. The Customs Duty shall be calculated by the Customs Department and communicated to the OL within a period of one week.
 - v. The Customs Duty shall be deposited by the OL before the Registry of this Court;
 - vi. Upon compliance with all the aforesaid directions, the balance 75% of the amount shall be deposited by the successful auction purchaser to the OL;
 - vii. The goods shall accordingly be released to the successful auction purchaser upon compliance with the aforesaid directions, upon an NOC being issued by the Customs Department to CONCOR, and upon completion of the other procedural requirements.
 - viii. Submission of *Mr. Rishi Awasthi*, counsel for CONCOR, regarding the demurrage and ground rent charges, as noted in **CA No. 456/2026** above, shall also apply to these 10 containers and shall be considered in accordance with law.
4. A handling charge of *Rs. 21,000/-* per container is sought on behalf of CONCOR, considering that it would have to utilise proficient personnel and high-end cranes for mobilising the containers.



5. The said charges shall be considered by the OL and paid to CONCOR. In case any discussions are required between CONCOR and the representative of the OL, the same may be undertaken. The OL shall pay the said charges, subject to any other procedural requirements as may be mutually discussed between the OL and CONCOR.

6. Application stands disposed of in above terms.

CO.PET. 471/2011

1. List on 18th January 2027.
2. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 2, 2026/sm/ya