

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

I.A.3 IN  
WRIT PETITION (CIVIL) NO(s). 389 OF 2010

RAJINDER ARORA AND ORS Petitioner(s)

VERSUS

UOI AND ORS Respondent(s)

( for directions and office report )  
[For orders]

Date: 12/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Harish Salve, Sr. Adv.  
Mr. U.U. Lalit, Sr. Adv.  
Mr. Vikram Choudhary, Adv.  
Mr. Nikhil Jain, Adv.

For Respondent(s) Mr. Gopal Subramaniam, S.G.  
Mr. S.Wasim A.Qadri, Adv.  
Mr. P.K. Dey, Adv.  
Mr. B.K. Prasad, Adv.

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

I.A.3 of 2011, has been filed on  
behalf of the petitioners for provisional release  
of the goods which were meant for export and have  
since been seized by the customs authorities. By  
our order dated 7th December, 2010, relying on a  
Circular dated 2nd August, 2005, we had directed  
the seized goods to be provisionally released to  
the petitioners, subject to usual formalities.

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-2-

2. In response to the same, the petitioners  
were informed by letters dated 21st December, 2010,  
that the goods could be released on the  
petitioners executing on a proper stamp paper a

bond for an amount of Rs.10,83,05,489/-, being 2.25 times the declared value of the seized goods, namely, Rs.4,81,35,773/-, along with likely fine that is 25% of the declared value and likely penalty that is 100% of the declared value. It was further directed that the bond should be accompanied by a Bank Guarantee of Rs.1,20,33,943/- equivalent to 25% of the declared seized goods.

3. I.A.3/11, which we are considering today arises out of said letters addressed to the petitioners.

4. During the course of submission made in respect of the said application, it has transpired that while the value of the goods had been declared at Rs.850/- per sq.ft., the assessed value of the custom authorities would be between Rs.40/- to Rs.80/- per square feet.

5. Accordingly, for the purpose of this application, we modify the conditions mentioned in the letters dated 21st December, 2010, and direct that the seized goods be released to the petitioners upon execution of a bond for the amount, as indicated in the said letters, to be accompanied by a Bank Guarantee for a sum of Rs.48 Lakhs.

-3-

6. We, however, clarify that the said amount is only a provisional figure and will be subject to the final adjudication, which is still pending before the Customs Adjudication.

7. We also make it clear that this order will not in any way prejudice the outcome of the said pending proceedings.

8. Prayer (i) of IA.3 of 2011, is disposed of accordingly.

(Sheetal Dhingra)  
Court Master

(Juginder Kaur)  
Court Master