

M/S. Global Suppliers vs Union Of India & Ors on 27 September, 2019

Author: Vipin Sanghi

Bench: Vipin Sanghi, Sanjeev Narula

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 5769/2019, CM APPL. 25113/2019, CM APPL.
40310/2019 & CM APPL. 42143/2019

M/S. GLOBAL SUPPLIERS Petitioner
Through: Ms. Anjali Jha Manish, Advocate
with Mr. Priyadarshi Manish and Ms.
Jasmeet Kaur, Advocate.

versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Amit Mahajan, CGSC/UOI with
Mr. Arjun Dev and Mr. Raghav Sethi,
Advocate for Respondent No. 1.
Ms. Sonu Bhatnagar, Senior Standing
Counsel with Ms. Anushree Narain,
Ms. Venus Mehrotra and Mr. Vaibhav
Joshi, Advocates for Respondent Nos.
2 & 3.
SI Subhash Chandra, P.S. S.P. Badli.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% 27.09.2019

1. Mr. Surat Singh has appeared. Mr. Ravinder Baweja has also appeared even though he has not been summoned today.
2. We have recorded the statements of both Mr. Surat Singh and Mr. Ravinder Baweja on oath.
3. The statement made by Mr. Surat Singh under Section 108 of the Customs Act, Ex. A, which is admissible in evidence, appears to be contradictory to his stand recorded in his affidavit sworn in support of the business.
4. Thus, in our view, the affidavit sworn before us by Mr. Surat Singh is evidently false.

5. In exercise of the powers of the Court under Section 340 Cr.P.C read with Section 195 Cr.P.C, the Court directs the Registrar General of this Court to refer the matter to the Court of the concerned Judicial Magistrate for further proceeding in accordance with law against Mr. Surat Singh.

6. List before the Registrar General for the said purpose on 10.10.2019.

VIPIN SANGHI, J SANJEEV NARULA, J SEPTEMBER 27, 2019 ss W.P.(C) 5769/2019 M/S. GLOBAL SUPPLIERS vs UNION OF INDIA & ORS.

Statement of Mr. Ravinder Baweja, S/o Shri.K.L. Baweja, R/o I-180 Ashok Vihar, Phase-I, Delhi-52 On S.A. I have my own business and I also help Mr. Surat Singh. I help him in his import business and in matters relating to banking. Mr. Surat Singh is not maintaining good health. This writ petition is being filed in respect of the detention of the import consignment at Mundra Port and freezing of the bank account of M/s Global Suppliers at Indusind Bank, Naya Bazar, Delhi. My statement was recorded by the DRI at Kolkata. Ex. B is my said statement. I have retracted the statement on 07.06.2019.

R.O. & A.C. VIPIN SANGHI, J.

SANJEEV NARULA, J.

SEPTEMBER 27, 2019 ss W.P.(C) 5769/2019 M/S. GLOBAL SUPPLIERS vs UNION OF INDIA & ORS.

Statement of Mr. Surat Singh, S/o Late Shri. Charan Singh, aged about 59 years, R/o , Siraspur Village at House No. 72/136.

On S.A. I am engaged in export/import business. I am not able to recall the name of my business. I import dry fruit and chemical (PVC).

When Mr. Surat Singh is asked as to what he exports, he is not in a position to answer. He states that he does not understand English. He has been asked the same question in Hindi, yet he is not in a position to answer.

My business is carried out in the name of M/s Global Suppliers having its office at Gali No. 3, Siraspur Colony, New Delhi-42. I stay in Siraspur Village at House No. 72/136. I do business with Mr. Lal Singh, he is my friend.

On being asked whether he has obtained any permission for carrying out the business, he states that he takes help of his friends, Mr. Ravinder Baweja to look after his business.

I have filed this writ petition to get release of my imported goods. I have imported PVC from China. The consignment has landed at Mundra Port in Gujarat. The bank account of M/s Global Suppliers is maintained with IndusInd Bank, Delhi at Chandni Chowk Branch. I cannot recollect where else I

maintain the bank account for the aforesaid business. My statement was recorded by the Customs Authority in Kolkata. Ex.A is my statement recorded by Customs Authority at Kolkata on 28.05.2019. The same bears my signatures. The said statement was recorded by the Authority on their own. They did not record whatever I said. I am not aware if I retracted my said statement under Section 108 of the Customs Act, 1962.

R.O. & A.C. VIPIN SANGHI, J.

SANJEEV NARULA, J.

SEPTEMBER 27, 2019 ss