

[3447]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA**

WRIT PETITION NO: 7128 OF 2026

Between:

M/s. Digital Print Solutions, H. No. 5-9-250/258, Room No. 05, 3rd Floor, Unity House, Abids, Hyderabad - 500001, GST.No.36AAWFD1471G127, IEC/PAN AAWFD1471G, Rep. by Managing Partner P.Laxminarayan Rao S/o Late ShivajiRao

...PETITIONER

AND

1. The Commissioner of Customs (Hyderabad II) Imports, GST Bhavan, Opp L B Stadium, Basheer Bagh, Hyderabad- 500004
2. The Joint Commissioner of Customs (Imports), Opp L.B. stadium, GST Bhavan, Basheerbagh, Hyderabad- 500004
3. The Assistant Commissioner of Customs, O/o Dy. Commissioner of Customs, ICD, Thimmapur, Ranga Reddy-509 325
4. The Superintendent of Customs, O/o Dy. Commissioner of Customs, ICD, Thimmapur, Ranga Reddy-509 325

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction more particularly one in the nature of a WRIT OF MANDAMUS declaring the action of the Respondent No.1 to 4 in seizing the various models of Second-hand Highly Specialized Equipment - Digital Multifunction Print, Copying and Scanning Machines, imported by the Petitioner vide seizure Memo dated 05032026 and refusal to allow the clearance of the subject goods covered by vide Bill of Entry No.7545796 dated 16.02.2026 (211) units payment of applicable total duties on the declared value as arbitrary, unreasonable, contrary to the provisions of the Customs Act 1962, the Import-Export Policy 2023, Meity Notification S.O. No.2844(E) dated 01.07.2021 by duly setting aside the seizure memo and panchanama and Supardnama dt05.03.2026

of 4th respondent is in violation of petitioners fundamental rights guaranteed by Article 14, 19(1)(g) and 300A of the Constitution of India and to direct the Respondent to release the subject goods forthwith on applicable duty by granting waiver of demurrage charges.

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1 to 4 respondent to provisionally release various models of Second-hand Highly Specialized Equipment - Digital Multifunction Print, Copying & Scanning Machines, imported by the Petitioner and which have been submitted for clearance before the Respondents 1 to 4 vide Bill of Entry No.7545796 dated 16.02.2026 (211) Units, on payment of applicable duty.

**Counsel for the Petitioner: SRI MOHD. ANWAR ALI FOR SRI MALLA REDDY
GADIPALLY**
**Counsel for the Respondents: SRI DOMINIC FERNANDES, senior standing
counsel for CBIC**

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

WP.No.7128 of 2026

Date:09.03.2026

Between:

M/s.Digital Print Solutions,
Rep.by Managing Partner,
Abids, Hyderabad.

... Petitioner

And

The Commissioner of Customs, (Hyderabad II)
Imports, Hyderabad and others

... Respondents

ORDER: *(per Hon'ble Sri Justice P.Sam Koshy)*

Heard Mr.Mohd.Anwar Ali, learned counsel representing
Mr.Malla Reddy Gadipally, learned counsel for the petitioner and
Mr.Dominic Fernandes, learned Senior Standing Counsel for the
CBIC appearing for the respondents. Perused the record.

2. The instant writ petition has been filed assailing the seizure
memo dated 05.03.2026, issued by the 4th respondent with further
request to forthwith release the various models of Second hand
Highly Specialized Equipment-Digital Multifunction Print,

Copying & Scanning machines (211 units) under Bill of Entry No.7545796, dated 16.02.2026.

3. Similar writ petitions of identical nature have already been considered by this Bench wherein by way of a conditional interim order this Bench had permitted the release of seized goods subject to the petitioner/importer fulfilling certain conditions.

4. One such writ petition is W.P.No.12489 of 2025; where the goods imported were seized by the Customs authorities and by virtue of the interim order of this High Court, the Customs authorities were ordered to release on the following conditions. For convenience, we reproduce paragraph Nos.26 & 27 of the order passed in the aforesaid writ petition hereinunder:

26. Thus, for all the aforesaid reasons, it is ordered that let the respondent authorities pass an order on the application filed by the petitioners for provisional release of the goods subject to the conditions that:

a) The petitioner shall pay/deposit the enhanced duty amount. On receipt of such enhanced duty amount paid by the petitioners, the goods in question shall be released within a period of four (04) weeks thereafter.

b) For payment of such duty, quantification shall be made by the Customs forthwith within one (01) week from the date of

receipt of a copy of this order: On receipt of such quantification, the payment shall be immediately made by the petitioners and on receipt of the payment in entirety, the goods shall be released as indicated above at the outer limit of four (04) weeks.

c) It is made clear that this order will not stand in the way for Customs Department to go ahead with the further proceedings including the adjudication in the manner known to law.

d) It is further made clear that so far as the condition of the petitioner that demurrage charges till date, for the goods be considered for waiver, in this regard, if any application is filed by the petitioners seeking such a waiver of demurrage charges, the same shall be considered and decided by the respondents objectively.

27. In addition, the petitioners are also directed to provide a bank guarantee worth 10 percent of the total price of the goods imported by them. Further, it is also ordered that in the event if the petitioners upon release of the goods provisionally make and sell the supply to their customers, details of the customers that of relevant price and details of the respective transactions shall be maintained and made available to the respondent authorities from time to time.

5. Pursuant to the said interim direction and upon the petitioner therein fulfilling the conditions stipulated by the High Court, the seized goods were released to the petitioner. The said order of releasing of the goods was subjected to challenge before the Hon'ble Supreme Court; where the Hon'ble Supreme Court in

SLP.No.42808/24, dated 15.01.2025, has refused to interfere with the order passed by this Bench.

6. However, as regards the proceedings before the adjudicating authority is concerned, the Hon'ble Supreme Court permitted the adjudicating authority to proceed and decide the same strictly in accordance with law. The petitioner is also held entitled for participation in the adjudicating proceedings.

7. Pursuant to the disposal of the SLP, this Court has disposed of all such writ petitions whereby the goods were released and the proceedings were pending before the adjudicating authority.

8. Similar nature of facts are also there in the instant case also where the stage at this juncture is only the seizure memo and prayer is also only for an interim release of the seized goods.

9. In the factual matrix narrated in the preceding paragraphs, we are of the considered opinion that the instant writ petition also therefore can be disposed of at the admission stage itself. Reserving the right of the adjudicating authority to take appropriate decision

in the proceedings after permitting the petitioner to represent before the adjudicating authority:

10. Thus, for all the aforesaid reasons, it is ordered that let the respondent authorities pass an order on the application filed by the petitioner for provisional release of the goods subject to the conditions that:

a) The petitioner shall pay/deposit the enhanced duty amount. On receipt of such enhanced duty amount paid by the petitioners, the goods in question shall be released within a period of four (04) weeks thereafter.

b) For payment of such duty, quantification shall be made by the Customs forthwith within one (01) week from the date of receipt of a copy of this order. On receipt of such quantification, the payment shall be immediately made by the petitioners and on receipt of the payment in entirety, the goods shall be released as indicated above at the outer limit of four (04) weeks.

c) It is made clear that this order will not stand in the way for Customs Department to go ahead with the further proceedings including the adjudication in the manner known to law.

d) It is further made clear that so far as the condition of the petitioner that demurrage charges till date, for the goods be considered for waiver, in this regard, if any application is filed by the petitioners seeking such a waiver of demurrage charges, the same shall be considered and decided by the respondents objectively.

11. In addition, the petitioner is also directed to provide a bank guarantee worth ten percent of the total price of the goods imported

by them. Further, it is also ordered that in the event if the petitioner upon release of the goods provisionally makes and sell the supply to their customers, details of the customers that of relevant price and details of the respective transactions shall be maintained and made available to the respondent authorities from time to time.

12. Needless to mention that the adjudicating authority in the process of deciding the same would not be in any manner influenced by the order of conditional release ordered by this Court. The authority shall decide the same considering the objections and contentions that would be raised on either side.

13. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

Miscellaneous applications pending, if any shall stand closed.

SD/- A.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

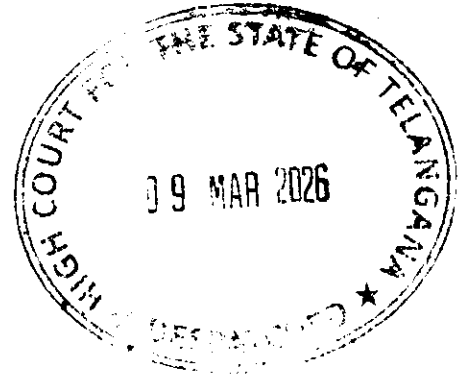
To

1. The Commissioner of Customs (Hyderabad II) Imports, (GST Bhavan, Opp L B Stadium, Basheer Bagh, Hyderabad- 500004
2. The Joint Commissioner of Customs (Imports), Opp. L.B stadium, GST Bhavan, Basheerbagh, Hyderabad- 500004
3. The Assistant Commissioner of Customs, O/o. Dy. Commissioner of Customs, ICD, Thimmapur, Ranga Reddy-509 325
4. The Superintendent of Customs, O/o Dy. Commissioner of Customs, ICD, Thimmapur, Ranga Reddy-509 325
5. One CC to SRI MALLA REDDY GADIPALLY, Advocate OPUC]
6. One CC to SRI DOMINIC FERNANDES, senior standing counsel for CBIC [OPUC]
7. Two CD Copies

CC TODAY

HIGH COURT

DATED:09/03/2026



ORDER

WP.No.7128 of 2026

ALLOWING THE WRIT PETITION
WITHOUT COSTS

(9) — JKS
9/3/26