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

+ **W.P.(C) 468/2019**

M/S MARVELOUS CREATIONS

..... Petitioner

Through: Mr. Prem Ranjan Kumar, Ms. Sneha  
& Mr. Sagar Chakravarty, Advocates

versus

THE DEPUTY COMMISSIONER OF CUSTOMS..... Respondent

Through: Mr. Harpreet Singh, Sr. Standing  
counsel with Ms. Suhani Mathur,  
Advocate

**CORAM:**

**JUSTICE S.MURALIDHAR**

**JUSTICE PRATEEK JALAN**

**ORDER**

**08.05.2019**

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**CM Appl.No. 2102/2019**

1. Exemption allowed, subject to all just exceptions.

**WP(C) No. 468/2019**

2. The grievance of the Petitioner is that the Respondent is not releasing the consignment of miscellaneous items including “Flavour for Hookah, E-Sheesha Pen & E-Liquid imported by Bill of Entry dated 4<sup>th</sup> January, 2019.” The ground on which the aforementioned goods were detained was that the Petitioner had failed to get a ‘No objection Certificate’ from the concerned authority under the Drugs and Cosmetics Act, 1940 as was mandated by a circular dated 27<sup>th</sup> November, 2018 issued by the Department.

3. As it transpires the operation of the said circular has been stayed by an order dated 18<sup>th</sup> March, 2018 passed by the learned Single Judge in WP(C) No.2688/2019 (*M/s Focus Brands Trading India Private Limited v. Directorate General of Health Services*).

4. Counsel for the Petitioner states that pursuant to the aforementioned interim order, the consignments of certain other importers of identical goods have been released by the department. He adds that the goods imported to the Petitioner are not being released only because of the pendency of the present writ petition.

5. Learned counsel for the Respondent does not have instructions as to whether any appeal is proposed to be filed against the order of the learned Single Judge.

6. The Court sees no reason why the Petitioner's goods should not be released considering that the Circular in terms of which they were detained has been stayed by the learned Single Judge.

7. Accordingly, the Respondent is directed to release the goods detained under the aforementioned Bill of Entry dated 4<sup>th</sup> January, 2019 to the Petitioner subject to such terms as the Respondent may think appropriate.

8. The release shall take place within a period of one week from today.

9. The petition is dismissed.

10. Order be given *dasti* under the signatures of Court Master.

**S. MURALIDHAR, J.**

**PRATEEK JALAN, J.**

**MAY 08, 2019/mw**