

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

**WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND**

THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA

WRIT PETITION NO: 4205 OF 2026

Between:

M/s. Arka Business Solutions, rep. by its Partner, Mr. K. Akhil Priyatam, 2nd Floor,
Unit No.203, SBRS C.V.Towers, Hitech City Road, Madhapur, Hyderabad-500 081.

.....PETITIONER

AND

1. Union of India, Rep. by its Secretary, Ministry of Finance, Jeevan Deep Building, 3rd Floor, Sansad Marg, New Delhi-110 001.
2. Joint Commissioner of Customs (Imports), GST Bhavan, Basheerbagh, Hyderabad-500 004.
3. Deputy Commissioner of Customs, ICD, Thimmapur-509 325, Telangana.
4. Superintendent of Customs (ICD-Thimmapur), Hyderabad Customs Commissionerate, Hyderabad.

.....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 a Writ of Mandamus or any other appropriate writ or order or direction setting aside the Seizure Memo dated 5.2.2026 issued by the 4th Respondent as being without jurisdiction and contrary to the Foreign Trade Policy, 2023 and consequently direct the 4th Respondent to forthwith release the Petitioner's imported consignment of Multi-Function Devices of 118 units under Bill of Entry dated 23.1.2026, bearing No.7074823.

I.A.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 4th Respondent to forthwith release the goods i.e., 118 units of Multi-Function Devices that have been seized under the Seizure Memo dated 5.2.2026, pending disposal of the Writ Petition, as otherwise the Petitioner will be put to severe loss and hardship.

Counsel for the Petitioner : SRI TARUN CHADHA, ADVOCATE FOR SRI KARTHIK RAMANA PUTTAMREDDY

Counsel for the Respondent No.1 : SRI P.SHASHI KIRAN, STANDING COUNSEL FOR CENTRAL GOVERNMENT

Counsel for the Respondent Nos.2 to 4 : SRI DUNDU SASHANK, JUNIOR STANDING COUNSEL REPRESENTING M/s DOMINIC FERNANDES, SC 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**

W.P.No.4205 OF 2026

11.02.2026

Between:

M/s Arka Business Solutions,
Rep. by its Partner
Mr. K.Akhil Priyatam

...Petitioner

A N D

Union of India, Rep. by its Secretary,
Department of Revenue, Ministry of Finance,
Government of India, New Delhi
and 3 others

...Respondents

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

Heard Mr. Tarun Chadha, learned counsel representing
Mr. Karthik Ramana Puttamreddy, learned counsel for the
petitioner, Mr. P.Shashi Kiran, learned Standing Counsel for the
Central Government appearing for respondent No.1 and Mr. Dundu
Sashank, learned Junior Standing Counsel representing

Mr.Dominic Fernandes, learned Senior Standing Counsel for the CBIC appearing for respondent Nos.2 to 4 Perused the record.

2. The instant writ petition has been filed assailing the seizure memo dated 05.02.2026, issued by the 4th respondent, with the further request to forthwith release the imported consignment of the multifunctional devices (118 units) under Bill of Entry No.7074823 dated 23.01.2026.

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 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.

11. 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 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/-T.SRINIVAS REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Union of India, Ministry of Finance, Jeevan Deep Building, 3rd Floor, Sansad Marg, New Delhi-110 001.
2. The Joint Commissioner of Customs (Imports), GST Bhavan, Basheerbagh, Hyderabad-500 004.
3. The Deputy Commissioner of Customs, ICD, Thimmapur-509 325, Telangana.
4. The Superintendent of Customs (ICD-Thimmapur), Hyderabad Customs Commissionerate, Hyderabad.
5. One CC to SRI KARTHIK RAMANA PUTTAMREDDY, Advocate [OPUC]
6. One CC to SRI P.SHASHI KIRAN, STANDING COUNSEL FOR CENTRAL GOVERNMENT, Advocate [OPUC]
7. One CC to M/s DOMINIC FERNANDES, SC FOR CBIC, Advocate (OPUC)
8. Two CD Copies

SA/BSK

CHR

HIGH COURT

DATED:11/02/2026



ORDER

WP.No.4205 of 2026

**ALLOWING THE W.P
WITHOUT COSTS.**

⑩ CHR
23/2/26