
(2006) 04 P&H CK 0110
In the Punjab And Haryana At Chandigarh

ATM International

APPELLANT

Vs

Joint DGFT

RESPONDENT

Date of Decision : 18-04-2006

Acts Referred:

Citation : (2007) 207 ELT 199

Hon'ble Judges : Rajesh Bindal, J;A.K. Goel, J

Bench : Division Bench

Judgement

1. This petition has been filed for a direction, inter alia, to the effect that the respondents should release the Duty Entitlement Passbook Scheme (DEPB) benefit to the petitioner.

2. It is stated that the petitioner exported certain goods in February, 2002 and is entitled to the benefit for the said export. Representation was made for acknowledging the claim of the petitioner. Though, an objection was initially raised, the petitioner clarified the matter and again requested for release of the claim. Finally, vide letter dated 21-3-2005, Annexure P.10, the petitioner received an information that DEPB could not be issued till receipt of further instructions from Commissioner of Custom, ICD, TKD, New Delhi, respondent No.

2. The petitioner has pointed out that respondent No. 2 was not concerned in the matter and that the petitioner has not received any show cause notice nor any investigation was pending and on this aspect, decision ought to be taken by the respondent.

3. In spite of two opportunities having already been given, no reply has been filed.

4. Instead of keeping the matter pending to await the reply, since no final decision has yet been taken by the authorities on the claim of the petitioner, we deem it appropriate to direct the respondents to take a final decision on the claim of the petitioner in accordance with law, within one month from the date of receipt of a copy of this order. The petitioner is at liberty to put forward its claim

along with a copy of this order. The decision taken may be conveyed to the petitioner.

5. The petition is disposed of accordingly.

6. Copy of the order may be given dasti on payment.