
(2016) 07 DEL CK 0128

In the Delhi High Court

Case No : Writ Petition (C) No. 6449 of 2016 and CM No. 26424 of 2016 (for exemption)

Bangla Dom

APPELLANT

Vs

Additional Commr. of Cus. (Exports)

RESPONDENT

Date of Decision : 26-07-2016

Acts Referred:

Citation : (2016) 339 ELT 555

Hon'ble Judges : Dr. S. Muralidhar and Najmi Waziri, JJ.

Bench : Division Bench

Advocate : S/Shri Umang Srivastava and Piyush Kumar, Advocates, for the Petitioners; S/Shri Sanjay Narula, Senior Standing Counsel with Sunil Dalal, Advocate, for the Respondents

Final Decision : Disposed Off

Judgement

CM No. 26424/2016 (for exemption) : Allowed, subject to all just exceptions.
W.P. (C) 6449/2016 :

2. Notice. Mr. Sanjay Narula, Senior Standing Counsel for Customs accepts notice.

3. The short question in this petition is regarding the non-consideration, till date, of the petitioner's representation of May, 2013 regarding non-completion of the adjudication proceedings initiated against the petitioner by the show cause notice (SCN) dated 29th January, 2010. Learned counsel for the respondent states that if a time bound direction is issued, it will be complied with.

4. It is seen that by an order dated 10th February, 2016 the Commissioner of Customs (Appeals) had remanded the matter to the adjudicating authority for "relook and verification" and disposal of the aforementioned SCN in light of the order passed by this Court in Commissioner of Customs (Exports) v. Kultar Exports - 2013 (288) E.L.T. 187 (Del.). After the above remand, no further progress appears to have been made in the matter.

5. In the circumstances, the Court directs that the adjudicating authority will pass a fresh order on the SCN dated 29th January, 2010 not later than eight weeks from today after giving an opportunity of being heard to the petitioner. The next date of hearing in the proceedings be intimated to the petitioner at least one week in advance. If there is non-compliance with the above order, it will be open to the petitioner to apply to the Court for appropriate directions.

6. The writ petition is disposed of in the above terms.