

(2020) 12 DEL CK 0182

In the Delhi High Court

Case No : Civil Writ Petition No. 8017 Of 2020

Designco

APPELLANT

Vs

Union Of India &Ors

RESPONDENT

Date of Decision : 17-12-2020

Acts Referred:

Citation : (2020) 12 DEL CK 0182

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;Prateek Jalan, J

Bench : Division Bench

Advocate : P.C.Patnaik, J.N.Patel, Ajay Sharma, Navjeet Kumar Giri, Sushil Kumar Pandey, Rahul Mourya, Amit Bansal, Vipasha Mishra

Final Decision : Disposed Of

Judgement

D.N.Patel, CJ

Proceedings in the matter have been conducted through video conferencing.

C.M.No.26119/2020 (exemptions)

Allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) No.8017/2020

1. This writ petition has been preferred with the following prayers:-

â??a) issue a Writ in the nature of Mandamus to the Respondents to Refund Rs.12,85,078/- in terms of Notification No.52/2016- Customs dt

23.09.2020 and Public Notice No. 30/2015(DGFT) dt 08.09.2016 by Respondents and

b) issue a Writ in nature of Certiorari to quash order in original order dated 28.02.2019 as well as Appellate order dated 24.01.2020 by

Respondent No.3 and

c) issue Writ in the nature of Mandamus to Respondent No.4/DRI to adjudicate the Show Cause Notice No.60/2014 dated 31.12.2014 and;

d) Pass any such other orders which Your Lordships may deem fit in the interest of justices in the facts and circumstances of the present

case in favour of the petitioner and against the respondents.â??

2. After canvassing some arguments, learned counsel for the petitioner submitted that at this stage, it would suffice for the disposal of this writ petition

if a suitable direction is given to the concerned respondent authorities to adjudicate upon the show cause notice dated 31st December, 2014 issued to

the petitioner, in a time bound manner.

3. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case and also looking to the aforesaid submission

made by the learned counsel for the petitioner, we direct the concerned authority, that is, Joint/Additional Commissioner of Customs, Customs

Commissionerate, Noida to adjudicate upon the show cause notice dated 31st December, 2014 (Annexure P-15 to the memo of this writ petition) in

accordance with law, rules, regulations and Government policies applicable to the facts of the case and based on the evidence on record as

expeditiously as possible and practicable, preferably within a period of 12 weeks from the date of receipt of this order.

4. In case the petitioner is aggrieved by the order passed by the Adjudicating Authority while adjudicating upon the aforesaid show cause notice,

liberty is reserved with the petitioner to file appropriate proceedings before the appropriate forum in accordance with law, rules and regulations

applicable to the facts of the case.

5. All the other issues regarding refund etc., agitated in this writ petition, are left open to be raised in appropriate proceedings before the appropriate

forum.

6. With these observations, this writ petition is disposed of.