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**(2020) 10 DEL CK 0129**

**In the Delhi High Court**

**Case No :** Civil Writ Petition No. 4131 Of 2020

M/S. Samsonite South Asia Pvt. Ltd

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

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**Date of Decision :** 20-10-2020

**Acts Referred:**

**Citation :** (2020) 10 DEL CK 0129

**Hon'ble Judges :** Manmohan, J;Sanjeev Narula, J

**Bench :** Division Bench

**Advocate :** Rohan Shah, Alok Yadav, Srisabari, Asheesh Jain, Amrit Singh, Zoheb Hossain, Ravi Prakash, Amit Bansal, Vipasha Mishra

**Final Decision :** Disposed Of

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## Judgement

Manmohan, J

C.M.No. 26635/2020

1. The application has been listed before this Bench by the Registry in view of the urgency expressed therein. The same has been heard by way of video conferencing.

2. Present application has been filed by the petitioner seeking a direction to respondent nos. 2 and 3 to make available all such details of the relevant State Consumer Welfare Funds (CWFs for short) in whose favour the Petitioner is required to make pre-deposit of the alleged profiteered amount, in compliance with the order dated 20th July, 2020 passed by this Court.

3. Learned counsel for the petitioner states that the details of the State CWFs are neither available in the public domain nor have been mentioned in the various Notifications and Office Memorandums issued by the respondent no. 2.

4. He states that the petitioner sent emails dated 10th August 2020, 11th August 2020, 25th August 2020, 31st August 2020, 01st September 2020, 2nd September 2020, 09th September 2020 and 16th September 2020 to the Office

of National Anti-Profiteering Authorities and the Directorate General of Anti-Profiteering, seeking the relevant account details and vide email dated 31st August, 2020, the Directorate General of Anti Profiteering had provided the details of major and minor accounts details of the respective State CWFs. However, learned counsel for petitioner points out that the same is incomplete. He states that the petitioner again wrote back to ask as to in whose favour the demand draft is to be drawn, but has not received any response.

5. Issue notice.

6. Mr. Asheesh Jain, CGSC accepts notice on behalf of respondent no.1. Mr. Zoheb Hossain, Advocate accepts notice on behalf of respondent no. 2 and Mr. Ravi Prakash, Advocate accepts notice on behalf of respondent no.3 and Mr. Amit Bansal, Sr. Standing Counsel accepts notice on behalf of respondent no.5.

7. It seems strange to the Court that while the petitioner wants to pay, the State Consumer Welfare Funds are neither operational nor functional. The Secretary, GST Council is directed to co-ordinate with the State Government and place the matter before the GST Council, if required, to ensure that the State Consumer Welfare Funds become operational and functional as expeditiously as possible.

8. Till the State Consumer Welfare Funds become operational and necessary details of the State CWFs are made available to the petitioner, the petitioner is directed to deposit the entire amount with the Centre Consumer Welfare Funds.

9. With the aforesaid directions, the present application stands disposed of.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.