
(2021) 01 DEL CK 0050

In the Delhi High Court

Case No : Civil Writ Petition No. 128 Of 2021

M/S Spartan International

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 07-01-2021

Acts Referred:

Customs Act, 1962 — Section 128

Citation : (2021) 01 DEL CK 0050

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; Jyoti Singh, J

Bench : Division Bench

Advocate : P.C.Patnaik

Final Decision : Disposed Of

Judgement

D.N.Patel, CJ

C.M.No.395/2021 (exemptions)

Allowed, subject to all just exceptions.

W.P.(C) 128/2021

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

â??a) issue a Writ in the nature of Mandamus or an Appropriate writ, order or direction to decide the Appeal (without insisting Pre-deposit,

if any) filled by the Petitioner on dated 24.10.2019 (Before the Appellate Authority, Respondent No.3).

b) Issue a writ in the nature of certiorari or any other appropriate writ, order or direction to quash the Spot Adjudication Order in Original

No.60 JC/ICDIPPG/2019-20 dated 28.08.2019 by Respondent No.2 & all other proceedings emanated therefrom.

c) Pass any other order or direction as this Hon'ble Court may deem fit in the

interest of justice & in the facts & circumstances of the case.â??

2. We have heard the learned counsel for the petitioner, who is aggrieved and dissatisfied with the Order-in-Original passed by the Adjudicating

Authority on 28th August, 2019 (Annexure P-2 to the memo of this appeal). An appeal under Section 128 of the Customs Act, 1962 was preferred by

the petitioner before the Commissioner Customs (Appeals) on 24th October, 2019. The said appeal is still pending before the Commissioner Customs (Appeals).

3. It is submitted by the counsel for the petitioner that he would be satisfied if the writ petition is disposed of with a suitable direction to the Appellate

Authority to dispose of the pending appeal, within a time bound schedule.

4. So far as prayer (b) is concerned, learned counsel for the petitioner does not press the same at this stage.

5. Looking to the facts and circumstances of the case, we direct the Commissioner Customs (Appeals) to decide the appeal titled as M/s Spartan

International Vs. Joint Commissioner of Customs, preferred by the petitioner against the Order-in-Original dated 28th August, 2019, in accordance

with law and relevant Rules, Regulations and Government Policies applicable to the facts of the case as also taking into account the evidence on

record. Needless to state that an opportunity of hearing shall be given to the concerned parties before taking a decision. The said appeal shall be

decided as expeditiously as possible and practicable, if not already decided.

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