

(2010) 10 BOM CK 0265
In the Bombay High Court
Case No : Writ Petition No. 2084 of 2010

Welspun Maxsteel Ltd.

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 27-10-2010

Acts Referred:

Citation : (2010) 260 ELT 524

Hon'ble Judges : V.C. Daga, J; R.M. Savant, J

Bench : Division Bench

Advocate : Rajesh Ravindran, for the Appellant; R.V. Desai and Rohit B. Pardeshi, for the Respondent

Judgement

Perused petition .

1. Heard learned Counsel for the Petitioners and learned senior counsel for the Respondents.

2. During the course of hearing on 20th October, 2010, it is brought to our notice that on Respondent No. 3, the then Deputy Commissioner of Customs, Contract Cell, Mumbai had heard the show cause notice. Detailed arguments were made and various case-laws were relied upon by the Petitioners in support of the submissions made. Written submissions were also circulated reiterating oral submissions advanced. However, it appears from the record that on 24th December, 2008; 22nd January, 2009; 3rd April, 2009; and 9th December, 2009 a specific request was made by the Petitioners to Respondent No. 3 to decide the matter, however, no decision was taken by the said Respondent No. 3. It appears from the record that the matter remained pending almost for a period of four years. When this gross negligence came to the notice of this Court, by order dated 20th October, 2010, Revenue was directed to disclose the name and present posting of the officer who had heard the matter of the Petitioners on 29th August, 2005 and did not pass order.

3. In response to the above order, Mr. Desai, learned senior counsel for the

Revenue has disclosed the name of the officer as under :

Shri Amarjeet Singh,

Deputy Commissioner of Customs,

Office of Commissioner of Customs,

O.B.-32, Rail Head Complex,

Jammu-180 012.

4. In the above view of the matter, Mr. Amarjeet Singh, Deputy Commissioner of Customs is called upon to explain as to why he kept the matter pending for an unusually long period of four years and why necessary adverse entry for having kept the matter pending for such a long time should not be ordered to be made in his service record. Notice be made returnable after four weeks.

5. Learned Counsel appearing for the Respondents - Revenue is directed to communicate this order to Mr. Amarjeet Singh. In addition to this, registry is also directed to issue urgent notice to the said officer.

6. Stand over for five weeks.