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Dimple Vs. Union of India

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Court : Delhi

Decided On : Sep-09-1994

Reported in : 1995(76)ELT512(Del)

Judge : Cyriac Joseph and; D.P. Wadhwa, JJ.

Appeal No. : Writ Petition No. 1625/1994, (See 1994 (73) E.L.T. 896 (Tribunal))

Appellant : Dimple

Respondent : Union of India

Advocate for Def. : Shri Madan Lokur, Central Government Standing Counsel, ; Shri Satish Aggarwal and ;

Advocate for Pet/Ap. : Shri A.K. Ganguli, Sr. Adv. and; Shri G. Umapathy, Adv

Judgement :
ORDER

1. By this petition filed under Article 226 of the Constitution, the Petitioner seeks a direction to the respondents to give effect to the Order No. KDL/Collr./19/94, dated 15th March, 1994 passed by the Collector of Customs, Customs House, Kandla, by which the proceedings initiated by show cause notice dated 10 January 1994 were dropped. The net result would be that the petitioner would be entitled to endorsement on his DEEC Book as per Import Export Regulations and under the provisions of the Customs Act. When this matter came up before us it was pointed

out by the respondents that an appeal was being contemplated against the order of the Collector of Customs. A direction was, thereforee, issued that the appeal be filed before the Tribunal and interim orders obtained. We are told that the application seeking stay of the order of the Collector of Customs has been dismissed by the CEGAT on 30 August 1994 (Since reported in . In this view of the matter Mr. Ganguli submits that the effect be given to the order of the Collector of Customs and that the necessary endorsement be made in the DEEC Book. To safeguard the interest of the respondents in case of the petitioner losing in the appeal, we direct that on petitioner's executing a legal undertaking as mentioned in para 118 of the Handbook of Procedure issued by the Ministry of Commerce, Government of India, the necessary endorsement on the DEEC Book be made by the respondents and that legal undertaking shall be kept alive for a period of one month after the orders are made by CEGAT. No further orders are required on this petition. It stands disposed of.

2. Mr. Aggarwal says that instead of legal undertaking the petitioner should have been asked to give the bank guarantee and further that a direction should be issued to the CEGAT to dispose of the appeal filed by the department within a certain period. We do not agree with any of these submissions. The petition is, thereforee, allowed in terms abovementioned.

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